

Also, petition of Bremerton (Wash.) Board of Trade, in relation to the use of the U. S. S. *Philadelphia* as a receiving ship—to the Committee on Naval Affairs.

Also, petition of the National Association of Retail Grocers against the passage of House bills 3109 and 15614, known as the pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, petition of John H. Rice & Co., Philadelphia, Pa., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, papers to accompany House bill for increase of pension of Martha C. Kuhn—to the Committee on Invalid Pensions.

By Mr. OTJEN: Paper to accompany House bill granting a pension to Carl W. Barroth—to the Committee on Pensions.

By Mr. RIXEY: Petition of heir of William A. Bowen, deceased, late of Fauquier County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of W. L. Crittenden, trustee of Mount Holly Baptist Church, of Fauquier County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBB (by request): Petition of J. T. Loyd, of Winona, Mo., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Papers to accompany House bill 16387, granting an increase of pension to R. M. Coke—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16389, granting an increase of pension to George W. Swan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16388, granting an increase of pension to Thomas N. Hinson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16390, granting a pension to Mrs. Sarah Charter—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Petition of retail druggists of Marble Falls, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SNOOK: Petition of retail druggists of Paulding County, Ohio, and Hicksville, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill granting an increase of pension to James Turner, Defiance, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John W. Shepard, Hicksville, Ohio—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolution of Colonel Timothy Bigelow Chapter, Daughters of the American Revolution, Worcester, Mass., indorsing the Appalachian Park bill—to the Committee on the Public Lands.

By Mr. TONGUE: Petition of T. P. Hackleman, for the establishment of an experimental steel-rail highway—to the Committee on Agriculture.

By Mr. WARNER: Protest of business men of Camargo, Douglas County, Ill., against any proposed parcels-post and post-currency legislation—to the Committee on the Post-Office and Post-Roads.

Also, petitions of retail druggists of Champaign, Arthur, Tuscola, Urbana, Charleston, Sigel, Rantoul, and Mattoon, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to John B. Tucker—to the Committee on Invalid Pensions.

Also, papers to accompany bill for a pension to Nancy Day—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of the Quaker City Cold Storage and Warehouse Company, Philadelphia, Pa., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Standard Underground Cable Company, Philadelphia, favoring the Lovering drawback customs bill—to the Committee on Ways and Means.

Also, petition of the Philadelphia Maritime Exchange, in opposition to the creation of a subport of entry at Chester, Pa.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Keystone Watch Case Company, Philadelphia, in opposition to the passage of House bill 3076, limiting the hours of daily service of laborers—to the Committee on Labor.

Also, petition of T. H. Nevin Company, Allegheny, Pa., members of the Paint Grinders' Association, in relation to freight classification—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Maritime Exchange, pro-

testing against House joint resolution 234—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Association of Retail Grocers, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Papers to accompany House bill 3002, granting a pension to Mrs. Abbey Kent, widow of a soldier of the Mexican war—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Harriet S. Packard—to the Committee on Invalid Pensions.

## SENATE.

WEDNESDAY, January 7, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

### CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of WILLIAM P. DILLINGHAM, chosen by the legislature of Vermont a Senator from that State for the term of six years beginning on the 4th day of March, 1903; which were read, and ordered to be filed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 149) to provide for holding terms of court in the district of Utah in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfelt gun;

A bill (S. 1359) to increase pension for total deafness; A bill (S. 6119) to authorize the Pensacola, Alabama, and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama; and

A bill (S. 6439) for the refund of certain taxes. The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 143) to authorize the construction by the Wadley and Mount Vernon Railroad Company of a bridge across the Oconee River, in the State of Georgia;

A bill (H. R. 6553) to change the boundaries between the southern and central judicial districts of the Indian Territory, and to establish a United States commissioner's court at Durant, Ind. T.;

A bill (H. R. 12763) to provide additional punishment upon a second or other conviction under the laws against counterfeiting;

A bill (H. R. 13208) to authorize the United States and West Indies Railroad and Steamship Company, of Florida, to construct a bridge across the Manatee River, in the State of Florida;

A bill (H. R. 15449) to increase the efficiency of the Army;

A bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, LaFollette and Jellico Railroad Company; and

A bill (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

### PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of Local Union No. 379, Brotherhood of Painters, Decorators, and Paper Hangers, of Huntington, W. Va., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of Forest Lake Council, No. 1, Junior Order of United American Mechanics, of Tacoma, Wash., praying for the adoption of certain amendments to the immigration laws; which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 883, United Brotherhood of Carpenters and Joiners, of Aberdeen, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Church of Shelton, Wash., and a petition of the Western Washington Christian Convention, of Whatcom, Wash., praying

for the enactment of legislation to further strengthen the anti-canteen law; which were referred to the Committee on Military Affairs.

Mr. CLAY. I present resolutions of the legislature of Georgia relative to irrigation in that State. I ask that the resolutions be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Whereas water supply and drainage largely determine the fertility of our soil; and

Whereas the proper irrigation and drainage of the State of Georgia would add very materially to the agricultural interests of the State and the people in general, if proper irrigation and drainage can be so used and handled as to prevent the washing and erosion of the land, causing the valleys to fill with sand and filling up the streams with silt; Therefore, be it

Resolved by the house (the Senate concurring), That our Senators and Representatives in Congress be, and are hereby, respectfully requested and urged to use their influence with the United States irrigation and drainage department and Department of Agriculture to have competent engineers to make a preliminary investigation in this State to determine whether or not irrigation and drainage can be applied, so as to prevent injury and damage to our lands and to assist the people of the State of Georgia in their agricultural pursuits and to ascertain the expense thereof.

Resolved, That our Senators and Representatives in Congress be requested to secure this action at the expense of the National Government and without expense to the State of Georgia.

Resolved, That the agricultural department of the State of Georgia is hereby requested to cooperate with and furnish all information to said United States Department or engineers without incurring any expense to the State.

Resolved, That a copy of these resolutions be furnished to each of our Senators and members of Congress.

Approved December 13, 1902.

Mr. BEVERIDGE presented petitions of Reed and Rattan Workers' Local Union No. 224, of Indianapolis; of the Trades and Labor Assembly of East Chicago; of Team Drivers' International Union No. 5, of Fort Wayne; of Hod Carriers and Mortarmen's Local Union No. 9697, of Vincennes; of Local Union No. 565, of Elkhart; of Local Union No. 436, of New Albany, and of Local Union No. 119, of Whiting, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of Coopers' International Union No. 1, American Federation of Labor, of Kansas City, Kans., remonstrating against the enactment of legislation relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented a petition of the Pulaski Monument Polish Central Committee, of Chicago, Ill., praying for the enactment of legislation providing for the erection of an equestrian statue to the memory of the late Brig. Gen. Count Casimir Pulaski; which was referred to the Committee on the Library.

Mr. KITTREDGE presented the petition of J. W. Smith and 86 other citizens of Huron, S. Dak., praying for the enactment of legislation to regulate the immigration of aliens into the United States; which was ordered to lie on the table.

Mr. MITCHELL presented a petition of the Woman's Christian Temperance Union of De Moss Springs, Oreg., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented papers in support of the bill (S. 6781) for the relief of James Small; which were referred to the Committee on Indian Depredations.

Mr. KEAN presented a petition of Warren Council, No. 16, Junior Order United American Mechanics, of Washington, N. J., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented petitions of Local Union No. 44, Metal Polishers, Buffers, Platers, Brass Moulders, and Brass Workers, of Newark; of Local Union No. 23, Journeymen Bricklayers and Plasterers, of Long Branch; of Local Union No. 121, United Brotherhood of Carpenters and Joiners, of Bridgeton, and of the Shipbuilding Council of Elizabeth, all in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. SPOONER presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. QUAY presented the memorial of Henry Arnold and sundry other officers of the German-American Alliance of Allegheny County, Pa., remonstrating against the passage of the pending immigration bill; which was ordered to lie on the table.

He also presented the memorial of Sotter & Bros., of Pottstown, Pa., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented the memorial of R. Munroe & Sons, of Pittsburgh, Pa., remonstrating against the passage of the pending anti-conspiracy bill; which was ordered to lie on the table.

He also presented a petition of the National Indian Association

of the United States, praying for the enactment of legislation to grant land warrants to the New York Indian soldiers who served in the war of 1812; which was referred to the Committee on Public Lands.

He also presented a petition of 271 citizens of Pittsburg, Pa., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented the memorial of George E. Emshaw and sundry other officers of the Maritime Exchange, of Philadelphia, Pa., remonstrating against the enactment of legislation temporarily extending the privileges of the coasting laws to foreign steamers carrying coal between American ports; which was referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Gallup, N. Mex., and a petition of the National Irrigation Congress, of Colorado Springs, Colo., praying for the passage of the so-called omnibus statehood bill; which were ordered to lie on the table.

He also presented petitions of Felton Sibley & Co., of Philadelphia, Pa.; of W. W. Lawrence & Co., of Chicago, Ill., and of F. H. Neville & Co., of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

#### STATEHOOD BILL.

Mr. QUAY. I send to the desk sundry telegrams from various States on the subject of the statehood bill. I ask that the telegrams lie on the table, and that they be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

CARLSBAD, N. MEX., December 23, 1902.

Hon. MATTHEW S. QUAY, Washington, D. C.:

The people of New Mexico want statehood. Senatorial report is inaccurate and superficial. We appreciate the correctness of your position.

C. S. McLENATHEN.

[Telegram.]

DENVER, COLO., December 29, 1902.

Hon. M. S. QUAY, 1613 K:

Beveridge committee did not see one-tenth New Mexico, and misrepresent what they did see.

W. A. FLEMING JONES,  
Lincoln, N. Mex.

[Telegram.]

CARLSBAD, N. MEX., December 30, 1902.

Hon. M. S. QUAY, Washington, D. C.:

As president Union Club, having membership 60 prominent business, professional men, thank you work done statehood. All citizens Eddy County enthusiastically for statehood.

J. O. CAMERON.

[Telegram.]

CARLSBAD, N. MEX., December 30, 1902.

Senator M. S. QUAY, Washington, D. C.:

Statehood committee report inaccurate, incomplete, and, based on specific investigation, is unfair and an injury to the Territory.

A. N. PRATT.

[Telegram.]

CARLSBAD, N. MEX., December 30, 1902.

Senator M. S. QUAY, Washington, D. C.:

Pecos Valley section of New Mexico wants statehood, but wants no more investigating committees that fly by night. People appreciate your strenuous fight their behalf.

L. O. FULLEN, Editor Argus.

[Telegram.]

CARLSBAD, N. MEX., December 31, 1902.

Hon. M. S. QUAY, Washington, D. C.:

Carlsbad Improvement League, 70 members, representing commercial and industrial life Eddy County, a unit for statehood, protest against unfair report of committees.

W. R. ALLISON.

[Telegram.]

CARLSBAD, N. MEX., January 3, 1903.

Hon. MATT. S. QUAY, Washington, D. C.:

Carlsbad citizens unanimously condemn methods of investigation pursued by Senatorial committee: best part of New Mexico traversed at night, with single stop of sixty minutes for supper. Protest against conclusions against Arizona and New Mexico based solely upon census 1900, while giving Oklahoma benefit subsequent growth. We know population Carlsbad, Roswell, and whole Pecos Valley double figures given by committee. Similar errors must be numerous. Impossible American citizens live under conditions painted by Beveridge. If Congress rule brings such results, duty demands immediate grant statehood. We protest against whitewashing judiciary while charges and report of special agent against McMillan, judge fifth judicial circuit, are pending in Department of Justice.

FRANCIS GALLATIN TRACY,  
President Pecos Irrigation Company.

[Telegram.]

GUTHRIE, OKLA., December 11, 1902.

Senator M. S. QUAY, Washington, D. C.:

Oklahoma people congratulate you on your fearless stand giving honest statement of relative positions of Oklahoma and Indian Territories. You are absolutely in line with adopted policies of Oklahoma as well as the national Republican platform.

WILLIAM S. GRIMES,  
Republican National Committeeman.



[Telegram.]

HOLDENVILLE, IND. T., December 10, 1902.

Hon. MATTHEW S. QUAY, Washington, D. C.:

Hope you will urge omnibus bill regardless of Senate amendment.  
W. R. SCOTT.

[Telegram.]

HOLDENVILLE, IND. T., December 9, 1902.

Hon. M. S. QUAY, United States Senate, Washington:

I earnestly protest against the passage of Senate amendment to omnibus bill, and recommend passage of statehood bill without embracing Indian Territory.

L. WALKER.

[Telegram.]

HOLDENVILLE, IND. T., December 9, 1902.

Hon. M. S. QUAY, United States Senate, Washington, D. C.:

I urge passage of omnibus bill and defeat of Senate amendment as to best interest of Indian Territory.

R. M. MCFARLIN.

[Telegram.]

HOLDENVILLE, IND. T., December 9, 1902.

Senator M. S. QUAY, Washington, D. C.:

As a resident of the Indian Territory I protest against the Senate amendment to omnibus statehood bill and recommend that the Indian Territory be not now allowed.

CHAS. D. WATTEVILLE.

[Telegram.]

DECEMBER 9, 1902.

Senator M. S. QUAY, Washington, D. C.:

Please urge passage of omnibus bill without Senate amendment.  
JOHN A. BARNARD.

[Telegram.]

DECEMBER 9, 1902.

Hon. M. S. QUAY, Washington, D. C.:

I urge passage of omnibus bill without Senate amendment.  
B. P. MCFARLIN.

[Telegram.]

DECEMBER 9, 1902.

Hon. MATT QUAY, Washington, D. C.:

Hope you will urge omnibus bill regardless of Senate amendment.  
W. R. SCOTT.

[Telegram.]

DECEMBER 9, 1902.

Hon. M. S. QUAY, Washington, D. C.:

For best interests of all, would request that you urge passage of omnibus bill without Senate amendment.

W. S. HASTON.

[Telegram.]

HOLDENVILLE, IND. T., December 9, 1902.

Senator M. S. QUAY, Washington, D. C.:

As a resident of Creek Nation I protest against passage of Senate amendment to statehood bill, and recommend passage without including Indian Territory.

I. W. SINGLETON.

[Telegram.]

DECEMBER 9, 1902.

Senator M. S. QUAY, Washington, D. C.:

I request that you urge passage of omnibus bill and defeat, if possible, Senate amendment as to interest of Indian Territory.

E. O. EDMONDSON.

[Telegram.]

DECEMBER 9, 1902.

Senator M. S. QUAY, Washington, D. C.:

Please urge passage of omnibus bill and defeat, if possible, Senate amendment as to best interests of Indian Territory.

NATIONAL BANK OF HOLDENVILLE.

Mr. QUAY. I have a paper handed me, with the request that I bring it to the attention of the Senate. I send it to the desk and ask to have it read. It is not exactly in the nature of a memorial, but it is an affidavit bearing upon a matter in the record, and I suppose it will come in under the order of petitions and memorials.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the paper sent to the desk may be read. Is there objection?

There being no objection, the paper was read, as follows:

TERRITORY OF NEW MEXICO, County of Bernalillo, ss:

William Borchert, of lawful age, being duly sworn, on his oath states: That he is justice of the peace of precinct No. 26 of the county of Bernalillo, N. Mex., and is the same William Borchert who testified before the subcommittee of the Senate Committee on Territories at Albuquerque, N. Mex., on November 14, 1902; that he has just read what purports to be his evidence before said subcommittee at said time and place, contained in Senate Document No. 33, Fifty-seventh Congress, second session, at pages 56-57; that in response to the following question by Senator DILLINGHAM, as it appears by said report—

"Q. The large majority of the people in that precinct (referring to precinct No. 26) are Mexicans?" this affiant is made to answer—

"Yes, sir; we have a very few Americans."

That affiant did not at that time and place testify that there were a very few Americans in said precinct 26, and that the large majority of the people in that precinct are Mexicans, and did not say anything which by any possibility could be construed to convey that meaning; that the fact is, as is known to everyone in this community, that said precinct is almost entirely peopled by what are locally called Americans as distinguished from the native population called Mexicans; that said precinct has a population of between 3,000 and 4,000 at a conservative estimate, and of all the people of said precinct there are not, in the opinion of this affiant, to exceed 200 people of Spanish or Mexican descent, and of these there are not to exceed 25, in the opinion of this affiant, who can not speak the English language.

That affiant is at a loss to understand how anything he said at that time

and place could have been so taken down by the stenographer as to make it appear that he stated that there were few Americans in precinct 26, and that the large majority of the people were Mexicans; that affiant knows that he said nothing that sounded like that, and the statement is so at variance with the truth that he could not by any possibility have made that statement. And further affiant saith not.

WM. BORCHERT.

Subscribed and sworn to before me this 30th day of December, 1902.  
[SEAL.] FREDERICK H. KENT.

Notary Public, Bernalillo County, N. Mex.

## REPORT OF A COMMITTEE.

Mr. CLARK of Wyoming (for Mr. HANSBROUGH), from the Committee on Public Lands, to whom was referred the bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter, and lot 4 of section 2, and lot 1 of section 3, in township 154 north, range 101 west, in the State of North Dakota, reported it with an amendment, and submitted a report thereon.

GEORGE F. WHITE.

Mr. McCUMBER. I move that House bill No. 15074, granting an increase of pension to George F. White, being Order of Business No. 2299, be taken from the Calendar, and that the bill be postponed indefinitely, the soldier having died since the bill was reported.

The motion was agreed to.

JOHN HARRIS.

Mr. McCUMBER. I move that Senate bill No. 5145, granting an increase of pension to John Harris, being Order of Business No. 2323, be taken from the Calendar, and that the bill be postponed indefinitely, the claimant having died since the bill was reported.

The motion was agreed to.

BENJAMIN ZANE.

Mr. DEBOE. I move that the bill (H. R. 2477) granting an increase of pension to Benjamin Zane, being Order of Business No. 2298, be taken from the Calendar, and that the bill be postponed indefinitely.

The motion was agreed to.

## REPORT ON HAWAIIAN ISLANDS.

Mr. MITCHELL, from the Committee on Pacific Islands and Porto Rico, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pacific Islands and Porto Rico be given leave to print, for the use of the committee, 300 copies of the report of the subcommittee appointed to investigate the general conditions of the islands of Hawaii, and the administration of the affairs thereof, under Senate resolution No. 260, first session, Fifty-seventh Congress, of date June 23, 1902.

## BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FAIRBANKS introduced a bill (S. 6774) correcting the military record of William Hester; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6775) correcting the military record of George R. Sturgeon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6776) granting a pension to Laura Washburn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6777) for the relief of William O. Robards; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6778) for the relief of Belle M. Robards; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLaurin of Mississippi introduced a bill (S. 6779) to quiet certain land titles in the State of Mississippi; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CLAY introduced a bill (S. 6780) for the relief of the Methodist Episcopal Church (colored), corner of Fifth avenue and East Second street, at Rome, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 6781) for the relief of James Small; which was read twice by its title, and referred to the Committee on Indian Depredations.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6782) granting an increase of pension to William Foy, alias William Russell, with the accompanying papers;

A bill (S. 6783) granting a pension to Chancy Akin, with the accompanying papers; and

A bill (S. 6784) granting an increase of pension to Martin O'Connor.

Mr. WELLINGTON introduced a bill (S. 6785) granting a pension to Louisa Lindenstruth; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 6786) to recognize and promote the efficiency of Army chaplains; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6787) for the relief of the estate of Joseph O. Prosadame;

A bill (S. 6788) for the relief of the estate of Euphemie Lemelle;

A bill (S. 6789) for the relief of Pierre Lement; and

A bill (S. 6790) for the relief of the estate of Clarisse Donato.

Mr. QUAY introduced a bill (S. 6791) making it a misdemeanor for persons to unlawfully use or wear the insignia or button of the Spanish-American War Veterans, the insignia or rosette of the Military and Naval Order of the Spanish-American War, or the official decorations of Spanish-American war societies; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 6792) granting a pension to Thomas Seal; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present sundry affidavits and two petitions, praying that a pension be granted to the claimant, who was a scout, guide, and dispatch bearer. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MORGAN introduced a bill (S. 6793) for the relief of the estate of J. E. Prestidge; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6794) for the relief of the estate of James S. Ware; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 6795) granting an increase of pension to Hannah J. G. Hopkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6796) granting an increase of pension to Andrew J. Larrabee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6797) granting an increase of pension to Albert W. Bullock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

#### EFFICIENCY OF THE MILITIA.

Mr. BEVERIDGE submitted an amendment intended to be proposed by him to the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes; which was ordered to lie on the table and be printed.

#### PRICES OF COAL IN THE CITY OF WASHINGTON.

Mr. STEWART. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the Committee on the District of Columbia be instructed to inquire what is the wholesale price of coal in Washington which the local dealers are required to pay, and what is the price which the local dealers charge their customers, and whether the scarcity of coal is the result of failure of shipment to Washington, or whether there is any lack of prompt and efficient distribution among the people.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLISON. What is the purport of the resolution? What does it propose?

The PRESIDENT pro tempore. It proposes an inquiry on the part of the Committee on the District of Columbia as to the wholesale and retail prices of coal in the District.

Mr. ALLISON. I think the inquiry ought to be made.

The resolution was considered by unanimous consent, and agreed to.

#### CONSTITUTION OF COLOMBIA.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate*, That the Supplement to Annals of the American Academy of Political and Social Science of January, 1893, containing the constitution of the Republic of Colombia, with an historical introduction translated by Bernard Moses, be printed as a document.

#### REPORT OF THE PHILIPPINE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which

was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate and House of Representatives:

I herewith send a letter from the Secretary of War, transmitting the third annual report of the Philippine Commission, covering the year ending October 1, 1902, and the laws passed by the Commission between July 1, 1902, and October 27, 1902.

I call your special attention to the recommendations contained in this letter of the Secretary of War. I most earnestly feel that the enactment of the measures already pending in your body for the betterment of the Philippine Islands is imperatively demanded by the situation in those islands, and serious calamity may come from failure to enact them. Furthermore, I with equal earnestness ask your attention to the recommendation of the Secretary of War in the accompanying letter and urge its adoption, so that the sum of money therein specified may be appropriated for the uses and in the manner likewise specified, in order that the present distress in the islands may be remedied.

THEODORE ROOSEVELT.

WHITE HOUSE, January 7, 1903.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 6553) to change the boundaries between the southern and central judicial districts in the Indian Territory, and to establish a United States commissioner's court at Durant, Ind. T.; and

A bill (H. R. 12763) to provide additional punishment upon a second or other conviction under the laws against counterfeiting.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 143) to authorize the construction by the Wadley and Mount Vernon Railroad Company of a bridge across the Oconee River, in the State of Georgia;

A bill (H. R. 13208) to authorize the United States and West Indies Railroad and Steamship Company, of Florida, to construct a bridge across the Manatee River, in the State of Florida;

A bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, LaFollette and Jellico Railroad Company; and

A bill (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

The bill (H. R. 15449) to increase the efficiency of the Army was read twice by its title, and referred to the Committee on Military Affairs.

#### ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over, by unanimous consent, from a previous day, which will be read.

The Secretary read the resolution submitted on the 5th instant by Mr. VEST, as follows:

*Resolved*, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. ALDRICH. I ask that the resolution may go over until to-morrow, without prejudice.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the resolution shall go over until to-morrow, retaining its place on the table. Is there objection? The Chair hears none. The resolution goes over.

#### EFFICIENCY OF THE MILITIA.

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States. The bill is in the Senate. It has been read for amendment.

Mr. WARREN. I desire to say, in the absence of the acting chairman of the Committee on Military Affairs, the Senator from Vermont [Mr. PROCTOR], that notice has been given and duly recorded on the Calendar that the militia bill, so called, would come up this morning. I have expected that it would so come up, and I ask the Senator from Indiana if he does not understand the matter in the same way?

Mr. FAIRBANKS. I understand that notice was given, but I did not know that the committee was expecting to proceed under the notice.

Mr. WARREN. I was endeavoring to secure the attention of the Chair to ask that consideration of the bill be proceeded with.

Mr. FAIRBANKS. I did not intend to take precedence of that order.

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. FAIRBANKS. I do. I saw that the Senator from Vermont who has the bill in charge was not in the Chamber, and I thought we might proceed with the immigration bill, at least until he should return.



Mr. WARREN. I thank the Senator for his courtesy.

I move that the Senate proceed to the consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Alabama [Mr. PETRUS] to strike out all of section 24 as amended.

Mr. MALLORY. A large portion of this bill, Mr. President, that portion relating to the organization of the militia is, in my judgment, very desirable, and it would give me great pleasure to vote for it were there not included in it one or two features which I do not think can be sustained in connection at least with a measure of this character. The title of the bill is "To promote the efficiency of the militia, and for other purposes," and some twenty-two sections of the bill are devoted to provisions which undoubtedly are improvements upon the existing laws governing the militia of the States. I am free to say that, upon a very cursory examination of the bill, I was very much disposed to advocate it, but, after a careful second examination, I find that it is not merely a measure to promote the efficiency of the militia of the States, but that there is included in it the purpose of practically establishing a reserve army of 100,000 men in addition to the regular standing army we already have.

And, Mr. President, the measure is disingenuous, it is misleading, because, under the guise of being a scheme for the promotion of the efficiency of the militia, it deliberately declares that a certain body of men, to be called National Volunteers, are a part of the militia, when in fact and in truth, under the provisions of this bill, they can not be considered a part of the militia without doing violence to a very plain and unequivocal provision of the Constitution. The first section provides:

That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories.

That is one of the branches of the militia for the promotion of the efficiency of which the bill provides. The second branch or class of the militia is specified in the same section to be—

the National Volunteer Reserve as provided by this act, and the remainder to be known as the Reserve Militia.

Now, to ascertain what this National Volunteer Reserve is, we have to refer to the twenty-third and twenty-fourth sections of the bill, and in order that there shall be no misapprehension of what that is, I shall ask the Secretary to read the twenty-third and twenty-fourth sections, and have them incorporated as a part of my remarks.

The PRESIDENT pro tempore. The Secretary will read as requested.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. MALLORY. Certainly.

Mr. WARREN. I wish to ask a question merely. Does the Senator from Florida understand that a part of section 24 has already gone out by amendment?

Mr. MALLORY. Yes; I do not know exactly, Mr. President, where that amendment begins. I tried to get a copy of the bill this morning as amended, but I was not able to do so. I know that the amendment proposed by the Senator from Ohio [Mr. FORAKER] was adopted, which affects the employment of a certain number in the year in practice duty.

The PRESIDENT pro tempore. Does the Senator from Florida desire to have the sections read as amended?

Mr. MALLORY. Yes, sir; I would rather have them read as amended.

Mr. WARREN. Pending that, I will ask the Senator from Florida if it would not serve his purpose as well to change the paper so as to include the amendments that have already been made before he puts it on record?

Mr. MALLORY. It is only the twenty-third and the twenty-fourth sections that I propose to have read.

Mr. WARREN. Two clauses, comprising nearly a third of section 24, have been stricken out.

Mr. MALLORY. Yes; I understand.

The PRESIDENT pro tempore. The Secretary will read the two sections as already amended.

The Secretary read the sections as amended, as follows:

SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient Army posts

in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided. Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this act for officers of the organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States they shall be entitled to be discharged at the close of the war or after nine months' service. Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

Mr. MALLORY. The eighteenth section may be summarized as providing for a select corps of men set apart from the body of the people, whose ultimate function in the event they are called out by the President shall be to take command of a national volunteer force. These officers are not to be appointed by the authority of the States, but they are to be appointed by the President; and the President is vested by the twenty-third section with authority, whenever he deems it necessary or desirable, to send these gentlemen who have been segregated from the rest of the military of the States to special institutions, even to West Point, probably, if he deems proper, for the purpose of perfecting themselves in the art of war. They are entirely dependent upon the President, and entirely independent of any authority in the States.

The twenty-fourth section in similar manner provides for a separation from the body of the militia or the citizenship of the country of a select class of men, who by reason of experience in the Army of the United States or in the volunteer service in time of war or in the National Guard, or by having attended military schools, are supposed to be better qualified to make good soldiers than the ordinary citizen, and they are to be enrolled, and when called upon by the President of the United States they are to go into active service, to obey orders, and to be sent wherever within the country or without the country the President may designate.

It is necessary only, I think, for me to make this statement to show to any person who is familiar with the militia laws of this country and what the Constitution treats of on that subject that these particular soldiers can not possibly be classed as militia. Our Constitution in its third article declares that one of the powers of Congress shall be—

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United



States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Congress has also power—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

The framers of the Constitution drew a distinct line between the Army and the militia. Wherever either of these adjuncts of our military power is referred to, the Constitution is careful to draw the line of distinction between the Army and the citizen soldiery known as the militia.

Yet this bill, starting out with the declaration that all the citizens of the United States under a certain age and under certain conditions shall be the militia of the United States, goes on and declares that that militia shall be divided into three classes, one of which classes is this body of organized national volunteers officered by the President of the United States.

Mr. President, in reading the twenty-third section somewhat cursorily it occurred to me that there was a very grave objection to it in the language whereby the power to call forth this particular body of men is vested in the President. It will be observed that in a portion of that section the expression "under authority of Congress" is used in divers places, but beginning at the twentieth line on page 15, in section 24, we find that "when called forth by the President" this national reserve "shall serve wherever ordered." "When called forth by the President."

If they are militia the President has the power to call them forth whenever, in his judgment, it is necessary. There is no question about that. Section 1642 of the Revised Statutes, which has been upon our statute books for a great many years, provides, in this language, that the President of the United States may under such circumstances call forth the militia:

Whenever the United States are invaded or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States most convenient to the place of danger, or scene of action, as he may deem necessary to repel such invasion, or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

Mr. President, if it is a fact, as I understand was contended here the other day, that this peculiar class of soldiers are a part of the militia, the passage of this bill will vest it in the power of the President to call out that entire force without any further authority from Congress, and without any intervention on the part of the States or the governors of the States, whenever it suits his will or whenever, in his judgment, he deems it advisable so to do.

Therefore, Mr. President, I claim that in declaring that this bill is for the purpose of promoting the efficiency of the militia and in declaring that this particular class of soldiers shall be one of the class of the militia of the States, the ordinary interpretation to be put upon the language in the twenty-fourth section, in conjunction with section 1642 of the Revised Statutes, would be that whenever the President finds it necessary he will be authorized to order out this special band of soldiers. Surely, Mr. President, that ought not to be done.

There has not been anything said in behalf of this bill or in the report of the Secretary of War indorsing the measure that gives us any reason to understand why this wonderful innovation, this remarkable stride in the direction of a standing army should be made at this time. I asked the Senator from Vermont who has charge of the bill when he was opening the discussion on it what was the reason for this peculiar qualification in the bill, what reason was assigned for the organization of this special band of military? The response was a reference to the report of the Secretary of War; but nowhere in the report of the Secretary of War is there found one word to indicate that there is any crying necessity, or any necessity whatever, for an increase of the standing army of the country at this time. In fact, it has been thought advisable by the Administration to decrease the Army; and right on the heels of that we have this measure which proposes to provide a body of men who, in twenty-four hours, can be called out to the number of 100,000, and can be as much subservient to the War Department and to the behests of the President of the United States as the Regular Army.

Mr. WARREN. Will the Senator from Florida allow me to ask him a question?

Mr. MALLORY. Certainly.

Mr. WARREN. Does the Senator understand that the section gives the President authority to call out these men without any action on the part of Congress?

Mr. MALLORY. I think that would be the construction put upon it.

Mr. WARREN. I do not so understand it by the reading of the first lines of the section. The first four lines of the section state:

That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress—

It seems to me that before the President can call that force out it would require an act of Congress organizing such force.

Mr. MALLORY. In answer to that, Mr. President, I will say that this act of Congress organizes this body of men, and until the amendment of the Senator from Ohio was adopted, and as the bill came in here originally, there could be no question whatever as to the fact that the passage of this bill itself organizes the national volunteer reserve. It provides for their meeting annually, for their going out on drill and practice for a period not exceeding ten days in every year. It is true that has been eliminated, but the fact that they are enrolled, that their officers are enrolled, and that the names of both officers and men are preserved for five years in the War Department, subject to be called on at any time, in my judgment, Mr. President, notwithstanding the language of the twenty-fourth section wherever it uses the expression "under authority of Congress," will be construed to mean that the President has the power to call them out whenever, in his will, he thinks proper, because they are already organized under the act of Congress.

The question may arise as to what constitutes organization, I will admit, but who is to interpret it? There should be no ambiguity whatever about a matter of that kind and, Mr. President, if there should be any question about it the fact that in the passage of this bill this Congress declares that these individuals constituting this select body of military are a part of the militia of the land under section 1642 of the Revised Statutes would authorize the President to call them out without any further intervention of Congress. That, to my mind, is a matter too serious for us to permit to pass without proper comment.

I am as anxious as anyone on this floor to promote the efficiency of the militia, but I do not think that this bill will promote the efficiency of the militia. I believe that in actual practice it will be found that this body of men, this national reserve of volunteers, will take a position above the militia; that they will be regarded as a select and privileged class and that, so far from being an incentive for the promotion of the efficiency of the militia, it will result in the officers and soldiers of the militia preferring to belong to this select and preferred organization.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. MALLORY. Certainly.

Mr. TILLMAN. I was going to suggest to the Senator from Wyoming [Mr. WARREN] that if his view is the correct one, if it could be made perfectly plain and beyond all doubt so that there could be no misconception hereafter; if it could be made evident beyond dispute that this is not an enlargement of the Regular Army, and that the so-called reserve militia are nothing more than 100,000 regulars to be called for whenever the President sees fit, Senators on this side would not feel so much interested and be so determined in their opposition. If we are to have an enlargement of the Regular Army, let us have it; but do not let us have it under the guise of a more efficient militia.

I am sure that some words could be put into this bill by way of amendment which, while possibly relieving this feature, would not so change it as to make it worthless.

Mr. MALLORY. I will say to the Senator from South Carolina that I have an amendment, which I propose to offer at the proper time, which I think will meet the point he is making.

Mr. TILLMAN. Possibly the Senator in charge of the bill might be willing to incorporate it now. As I understand it, there is no opposition to this bill from our side of the Chamber except to the twenty-fourth section, and we might save some valuable time, which might be devoted to other matters, if we could agree upon a proper amendment. We may be disputing about a shadow here, and we might all be of one mind if we could just simply understand what is the proper thing to do.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. MALLORY. Certainly.

Mr. WARREN. Mr. President, in my judgment there is no intention on the part of any member of the Military Committee of either House, which has reported this bill, or on the part of the Secretary of War, to make this feature anything more than the keeping track of and knowing the names and the locations of the various men who have seen service, in order that Congress may hereafter authorize, if occasion requires, the formation of that reserve force into an available and efficient fighting force of the nation. Surely, in view of the fact that the Administration is now engaged in very substantially reducing the Army without any suggestion from Congress, there ought to be no fear that anyone in authority is surreptitiously trying to enlarge the standing army. There is nothing surely in the intention of those who reported this bill to excite any such suspicion in the mind of anyone.



Mr. MALLORY. Mr. President, I hope nothing I have said would imply that I thought the Secretary of War or any member of the committee had any improper or ulterior purpose in framing this bill in the way in which it has been framed. I confess that when I first read the bill it did not strike me at all in the view in which it now strikes me. I am perfectly willing to concede to the gentlemen who have brought in this bill here as much sincerity of purpose as I myself have; but, Mr. President, I say the bill is disingenuous, without intending to reflect upon those who brought it in here, because it declares that this body of men are a part of the militia, when, in fact and in truth, according to the Constitution, when their officers are appointed by the President of the United States they can not be a part of the militia.

Mr. WARREN. I do not wish to impute to the Senator that he intended to make charges against anyone. I was replying more especially to what the Senator from South Carolina [Mr. TILLMAN] said. I think we all feel alike when we get to the bottom of this matter—that we want an efficient militia; but I think those, of whom I am unfortunately not one, so versed in the law and the construction of the Constitution as to enter into the debates on abstruse constitutional questions, are liable, when they get down to extremely technical points of discussion, to get into conjectural problems and become afraid of mere shadows and of what does not exist in either the language of a bill or in the intention behind it. I only say what I do with a view to get the bill out into the open and into the light and secure for it an unbiased consideration on what it actually says and means without attributing to it hidden meaning or power, and if not now right, so that it may be made right.

I want to say again that the effect of the bill as already amended will be merely to have the names of these men recorded in the War Department, so they can be organized into an efficient corps if wanted; and the object is, and the effect will be, to prevent the enlargement of the standing army rather than to add to it.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. MALLORY. I shall yield in a moment; but before I yield I should like to ask the Senator from Wyoming, before he takes his seat, one question. I should like to ask the Senator to tell me whether, in his judgment, this particular body of men included in the twenty-third and twenty-fourth sections of this bill are a part of the militia or could be made a part of the militia of the States?

Mr. WARREN. Technically, yes; but practically, no, without some further action than the passage of this bill, as already amended by the Senate. I do not understand that this force can be called forth until there has been special action on the part of Congress.

Mr. FORAKER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Ohio?

Mr. MALLORY. I promised to yield to the Senator from South Carolina [Mr. TILLMAN]. I shall yield to the Senator from Ohio when the Senator from South Carolina concludes.

Mr. TILLMAN. If the Senator will indulge me for a moment, I merely wish to answer, I will not say the charge, but the indirect attack, on me as having caused this opening up, as it were. I want to disclaim any intention of accusing anybody of surreptitiously or secretly or with any desire to deceive anyone in the bringing in of this bill. I thought, in my blundering way, that if we were merely differing about the form rather than essentials we could make the form satisfactory to both sides, so that we could pass this bill and get onto something else.

Mr. WARREN. I think the Senator is right.

Mr. TILLMAN. If there is really no desire on the other side, or in the minds of the committee who have this matter in hand, to make this hundred thousand men an actual reserve to the Army—if they are to remain militia and we can make it clear, and undoubtedly we can make it clear, that they are militia and that they can not be ordered out or moved or armed or called forth without Congressional action—I am sure that the objections which we on this side have to the bill will be brushed aside; that we shall all agree about any reasonable and proper method of increasing the efficiency of the militia, and we can almost pass the bill in ten minutes.

Mr. FORAKER. Mr. President—

Mr. MALLORY. I now yield to the Senator from Ohio.

Mr. FORAKER. I rose in order that I might answer or give my own view of the question which the Senator from Florida [Mr. MALLORY] asked the Senator from Wyoming [Mr. WARREN], as to whether or not this volunteer reserve force is in any sense a part of the militia. All citizens of the United States capable of bearing arms, between the prescribed ages of 18 and 45, are the militia, whether they are organized or not, and they are liable to be called into the service. There is, however, the mili-

tia in the broad generic sense of the word, and there is the organized militia. The organized militia is that to which the Constitution has reference when it authorizes its organization and provides for its officering and organization.

But I think the Senator misapprehends the character of this bill in this respect. I do not think there is anything disingenuous about it. The title of this bill says that it is "A bill to promote the efficiency of the militia, and for other purposes." One of the other purposes is the purpose about which we are here discussing.

It is certainly competent for us to provide a volunteer reserve force for the Army of the United States to such an extent as we may see fit to provide. It is not a question of power, certainly, but the extent that we see fit to go is a question of policy. All we undertake to do here is to have registered in the office of the Secretary of War the names of 100,000 men who have seen service, who understand discipline, who have been drilled, and to whom, when there is a threat of war, "notice can be sent," to use the language of the Secretary when he was before the committee testifying, "to hold themselves in readiness," but not one of whom can be called into service or organized until Congress itself acts and gives the President or the Secretary of War the necessary authority. In other words, the whole of this provision is a designation of the volunteer reserve force to consist of drilled and disciplined men whose names shall be registered, and upon whom a call may be made when Congress authorizes it.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. MALLORY. The Senator will admit that under section 1642 of the Revised Statutes the President can call out the militia whenever he thinks proper without any intervention on the part of Congress.

Mr. FORAKER. That relates to the organized militia.

Mr. MALLORY. The organized militia.

Mr. FORAKER. This is a part of the militia, but not of the organized militia.

Mr. MALLORY. Then the Senator admits that this is not a part of the militia.

Mr. FORAKER. I not only admit it, but I have been asserting ever since this bill came up in the Senate that it is not a part of the militia. It is a part of the volunteer reserve force of the Army. It is, however, a part of the militia in the sense that all the people of the United States between the ages of 18 and 45 constitute the militia.

Mr. MALLORY. The Senator's construction is different from the language of the bill itself, for the bill declares that they shall be part of the organized militia, which is divided into three classes—

Mr. FORAKER. I know the Senator does not intend to misrepresent what I said. I said distinctly they are a part of the militia in the broad, generic sense of that term, but they are not a part of the organized militia. We are all a part of the militia, if we are not over 45 years of age, which most of us are not. [Laughter.]

Mr. MALLORY. Mr. President, the Senator from Ohio draws a distinction between the militia and the organized militia, which, of course, is correct; that is, if, when referring to the militia, he means all who are capable of bearing arms.

Mr. FORAKER. That is what I mean.

Mr. MALLORY. All the people who are capable of bearing arms are included in that broad, generic term, but this bill does not mean that, and the Constitution, when it provides that Congress shall have power to organize the militia, does that which this bill proposes to carry out, namely, organize the militia. The bill itself divides this organized militia into three classes. The Senator has only to read it to see that there are three classes provided for here—the organized militia, to be known as the National Guard of the State, the National Volunteer Reserve, and the Reserve Militia. Those are the three distinct portions of the national militia.

Mr. SPOONER. Will the Senator allow me to interrupt him for a moment?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. MALLORY. Certainly.

Mr. SPOONER. Do both Senators yield?

The PRESIDENT pro tempore. Both Senators seem to have yielded.

Mr. FORAKER. I yield.

Mr. SPOONER. I want to suggest to the Senator from Florida that his statement that this bill does not recognize the militia used in its generic sense, as indicated by the Senator from Ohio, is certainly inaccurate, as he will see if he will read it more carefully. This bill declares of what the militia shall consist, and of

course it deals with the subject in its generic sense, which has been recognized by the courts very clearly. The bill says:

That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, the National Volunteer Reserve as provided by this act.

That deals with the organized force—

and the remainder—

That is, every able-bodied and arms-bearing citizen—

to be known as the Reserve Militia.

That is the organized militia.

Mr. MALLORY. The generic militia.

Mr. SPOONER. The generic militia; what is left of the generic militia after taking out the organized militia. The bill clearly recognizes and uses the word in that sense.

Mr. MALLORY. Mr. President, while I have great respect and regard for the views of the Senator from Wisconsin [Mr. SPOONER], I do not think he has done away with the objection which I urged, based upon what I claim to be disingenuousness in the bill. I do not care to quibble about words.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. MALLORY. Certainly.

Mr. SPOONER. I want to say as to this provision, if the Senator will permit me, that I myself am not indisposed to agree with his contention that under this bill, in view of existing legislation, it may be that this national volunteer reserve might be called out by the President without further authorization by Congress, although it clearly could not be organized with the amendment which has been made to section 24 without further authorization by Congress. But I have drawn an amendment, to be inserted at the end of section 24, to provide that the national volunteer reserve shall not be called forth by the President without authority hereafter given by Congress. If the committee does not offer such an amendment, I shall myself offer it.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. MALLORY. I yield.

Mr. FORAKER. If the Senator will indulge me a moment further as to the provision of this bill with respect to calling out the organized militia and also the volunteer reserve force, on page 16, immediately after that portion of the bill recently printed which has been stricken out by amendment, is the following:

Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force.

Now follows this provision:

Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force, etc.

In other words, they can not be called out, they can not be organized without authority of Congress hereafter given, as I understand it. I have not any objection, so far as I am concerned as one member of the committee, to the word "hereafter" being inserted in that clause where the bill speaks of calling them out by authority of Congress. That would make it perfectly plain that they can not be so called. I understood it was already plain.

Mr. MALLORY. Mr. President—

Mr. TILLMAN. Will the Senator from Florida indulge me a moment?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. MALLORY. I yield.

Mr. TILLMAN. I should like to ask the Senator from Ohio, the Senator from Wisconsin, and the Senator from Wyoming, who are differing somewhat in their construction of this measure, wherein would lie the difference between this volunteer reserve and the landsturm or landwehr, or whatever it is, of the German army?

Mr. SPOONER. Landwehr.

Mr. TILLMAN. The landwehr, I think, is the first reserve and the landsturm is the second. I want to know if there be the slightest difference in that portion of the German military establishment, which can be called forth and mobilized inside of a

week, and the volunteer reserve authorized by this bill? In other words, is it not clearly apparent to any right-thinking person, who will interpret the English language in an ordinarily honest way, without any concealed purpose or hidden idea, that this is simply an enlargement of the force of the Regular Army to the extent of 100,000 men, whose names are enrolled, who are provided for in everything except, possibly, being under officers, but who can be furnished officers as soon as they are mobilized? I want to know wherein there is any difference here.

Mr. FORAKER. Mr. President, as the Senator from South Carolina addressed his inquiry to me, if the Senator from Florida will further yield—

Mr. MALLORY. I yield.

Mr. FORAKER. I will say, in answer, that I am not familiar with the organization of the German army. I think I know something, however, about the organization of our own Army, and, unless I am very greatly mistaken, I know something about the provisions of this bill.

The purpose of this bill is just as plain as the English language can make it. First, it provides for the organization of the militia; that is, the organized part of the whole militia of the country. Then it provides for recording in the office of the Secretary of War the names of 100,000 men who have seen service, who shall be denominated the volunteer reserve force, and upon whom, in time of threat of war, by authority of Congress first given—"hereafter given," we will put it—the President may call; then, when they respond, they may be organized, and then they become a part of the Volunteer Army of the United States.

Mr. CLAY. Will the Senator allow me to ask him a question there?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. CLAY. In the event that the President is authorized to call and calls for this reserve force of 100,000 men, I desire to ask the Senator if, under this bill, he could call for them in preference to the militia, if he desired to do so?

Mr. FORAKER. No; the bill expressly provides that to answer the first call for volunteers the organized militia shall respond.

Mr. CLAY. What is the difference in the duties of these 100,000 men and the organized militia under the provisions of this bill?

Mr. FORAKER. There is no difference whatever after they are called into the service of the United States, but before the call these 100,000 men have no duties to perform.

Mr. SPOONER. If the Senator from Ohio will permit me, there may be this very great difference. I suppose it is conceded that the organized militia called into the service of the United States could not be sent beyond the boundaries of the United States, and I suppose it is true that this volunteer reserve force could be sent beyond the boundaries of the United States.

Mr. QUARLES. That is stated.

Mr. WARREN. It is so expressed in the bill.

Mr. SPOONER. It would be so if they were not a part of the organized militia.

Mr. CLAY. Then they have a separate duty to perform, and they are separate and distinct.

Mr. FORAKER. No; this 100,000 reserve force will be a part of the Volunteer Army of the United States whenever they are called into service, but until they are called into service they will have no duty whatever to perform.

Mr. TILLMAN. On page 16 of the bill—I think it may have been reprinted, for I have not kept track of this legislation—I notice in the second line the provision that—

The persons so enrolled shall report for drill, inspection, and instruction—

Mr. MALLORY. That has all been stricken out.

Mr. WARREN. That has all been cut out.

Mr. TILLMAN. I was going to say if that language was in the bill they were a part of the Regular Army, and the fact that it was in showed that the intention was to increase the Regular Army.

Mr. SPOONER. The fact that we struck it out showed that our intention was not to increase it.

Mr. TILLMAN. But it looks as if that were the committee's intention.

Mr. FORAKER. Mr. President, I understand that that provision which has been stricken out by amendment was not part of the bill as originally framed, but was incorporated in it by an amendment in the House of Representatives.

Mr. TILLMAN. With the permission of the Senator from Florida, I should like to know if this bill has been reprinted, so that we can get the present status of it? In other words, I do not want to be discussing a bill with provisions in it that are already amended out of it, without our having a reprint. I would suggest that we had better defer this debate after the Senator from Florida concludes his very pertinent and cogent remarks, and let



us begin over again some other day when we all know what we are talking about. Has there been a reprint?

Mr. WARREN. If I may be permitted, I will say as to the matter before the Senate that there has been an order for a reprint since the first amendments were made. The bill has been reprinted, but section 24 has been since amended.

Mr. TILLMAN. I confess my ignorance of this subject just now, because I have been engaged on other matters, and we all realize that, unless we are aided by a lot of clerks and others—and I have not got that good luck—we can not keep track of all the things which come in here, and therefore I am not ashamed to say I know very little about what has been done on this bill except that there have been speeches made on it. If we can amend it in a reasonably decent shape, as I hope we can from what Senators on that side say, I think we can agree about certain amendments which will safeguard the constitutional rights of the States and not enlarge the Army surreptitiously.

Mr. MALLORY and Mr. WARREN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. MALLORY. I am afraid my remarks will be so mixed up that it will be very difficult to tell which are mine and which are not.

Mr. WARREN. I promise not to interrupt again; but with reference to the remark made by the Senator from South Carolina as to the differences existing between the Senator from Ohio [Mr. FORAKER] and the Senator from Wisconsin [Mr. SPOONER] and the Senator from Wyoming, there are no differences of opinion as to the intent of the bill.

The Senator from Wisconsin is willing to make it more explicit. The Senator from Ohio has expressed the same intention, and I have expressed no objection. I had considered it, until I had the better authority of those who know more about law than I do, sufficient as it was, but there is no difference in the intention.

Mr. TILLMAN. That may be true, and if it is, we can not be very long in getting together.

Mr. MALLORY. The Constitution only recognizes, so far as our land military is concerned, two classes of military—the Army and the militia. The question whether we should have a standing army was debated quite fully in the Constitutional Convention, and it was finally decided that there should be provision for a regular standing army. There was great discussion as to the number of men that should be permitted to be enlisted. Finally that question was determined. But there has been preserved throughout, from the beginning to the present day, up to the introduction of this bill, a very marked discrimination and distinction between the Army and the militia.

Mr. President, as late as 1898, in an act passed under an emergency, there was embodied language which I will read. I read from the fourth section of the act of April 22, 1898, in which it was declared that—

The Volunteer Army shall be maintained only during the existence of war or while war is imminent.

“Shall be maintained only during the existence of war or while war is imminent.” Just as soon as war ceases or the imminence of war ceases, then the Volunteer Army goes back and takes its place among the toilers and wage-earners and business men of the land. That is the idea which has prevailed in the past, but now it is said there is a distinction between the organized militia—what gentlemen are pleased to term the “organized militia”—and this select body of volunteers, to be officered by the President of the United States but selected from the same people—the militia of the United States—the only difference being the fact that they are called the Volunteer Reserve and are officered and commanded by men who derive their authority from the President of the United States. It seems to me there is no distinction there, and I do not see any reason why it should not be contended that these men, so far as this bill is concerned, are as much a part of the militia as is the militia itself. That, however, could not stand, because they are officered by the President.

Then comes the question, Why was this particular provision incorporated in the pending bill? I should like some Senator to answer that. The bill discloses its purpose to be “the promotion of the efficiency of the militia, and for other purposes.” I have received a great number of letters from my State, written by young men who are members of the State troops of my State, who have heard of the improvement in the system proposed by the militia provision of this law, and all of them urge me to vote for it. I myself have been a member of the State troops of my State. I take an interest in the development of the National Guard, as much so probably as anyone here, and all these young men throughout the land who are sending their letters here urging us to support this measure are undoubtedly under the impression that this bill is solely and entirely a militia bill, when in fact, Mr. President, it is a bill which provides for a hundred thousand extra men for the standing army of the United States whenever the President chooses to call them out.

Mr. FORAKER. Under the authority of Congress, the Senator should add, hereafter to be given.

Mr. MALLORY. As I stated in the outset of my remarks, from the peculiar language of the whole act I think there would be a very grave question whether or not the President was not intended to be authorized to call out these men without any intervention on the part of Congress hereafter; and for that reason—

Mr. FORAKER. That is a statement which is serious in its import. Does the Senator mean to be understood as saying that in the drafting of the bill it was intended to confer upon the President authority to do that which the bill on its face, as I understand, says he can not do until Congress first takes action?

Mr. MALLORY. No; I do not.

Mr. FORAKER. Then what did the Senator mean by that statement, if I may ask?

Mr. MALLORY. I meant to say that in my judgment the bill is open to that construction.

Mr. FORAKER. What language is there which admits of that construction?

Mr. MALLORY. I might not construe it in that way; the Senator from Ohio might not construe it in that way—

Mr. FORAKER. I ask that I may have the benefit of the Senator's statement, because if there is any language here which admits of that construction it is something that can be cured. Nobody has a thought of conferring such power on the President.

Mr. MALLORY. I hope it will be cured. After first reading the bill and seeing what occurred to me might possibly be a serious objection, I drew up this amendment, which I am now sorry I did not have printed. I did not, however, introduce it because the amendment of the Senator from Alabama [Mr. PETTUS] proposes to strike out the entire section, and this is an amendment to the section he proposes to strike out. My amendment was in line 15, page 15, section 24 of the bill, to insert, after the word “Congress,” in line 15, the following:

To be called forth, however, only during the existence of war with a foreign nation or when such a war is imminent.

Quoting the language of the act of 1898. That is to put at rest the possibility of any misconception.

Mr. FORAKER. May I inquire where the Senator proposes to insert that language?

Mr. MALLORY. In line 15, section 24; so that it will read:

That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, to be called forth, however, only during the existence of war with a foreign nation or when such a war is imminent.

Mr. FORAKER. I do not object to that.

Mr. MALLORY. Then, farther down, where it occurs again, after the word “President,” in line 21, I propose to insert the following:

Which shall be done only during the existence of war with a foreign nation or when such a war is imminent.

In other words, by that amendment there would not be any possible doubt, and the ambiguity to which I have endeavored here to call attention—without reflecting upon anybody, for certainly I have no such intention—and which it occurred to me might possibly be construed to exist in this measure, would be effaced and gotten rid of. If the amendment of the Senator from Alabama is voted down, I shall offer my amendment in due time.

Mr. FORAKER. The Senator did not indicate just where he would insert the last phrase.

Mr. MALLORY. After the word “President,” in line 21, page 15, section 24, I would insert the words I have indicated. It is simply carrying out the idea. The clause would then read:

Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President, which shall be done only during the existence of war with a foreign nation or when such a war is imminent.

Mr. FORAKER. I am only one member of the committee, but I doubt if there would be any objection to that amendment. The provision would remain even in that contingency that he could not call forth this force without the authority of Congress, hereafter given.

Mr. MALLORY. That is a matter about which I would not care so much.

Mr. PETTUS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Alabama?

Mr. MALLORY. Certainly.

Mr. PETTUS. Mr. President, I desire to call the attention of the Senator occupying the floor, and also the Senator from Ohio, to another part of this section which neither of them seems to consider at all. This bill now provides for the enlistment of a hundred thousand men; that is to say, these men volunteer now for service when called for. In other words, the bill provides for the setting apart, by their own consent, of a hundred thousand volunteers, and provides that when called for hereafter they shall serve a certain length of time. In other words, it is the

organizing of a hundred thousand men as a part of the Regular Army of the United States, not active, but enlisted, volunteered, and ready for action whenever called for; and that is as objectionable as the other feature of the bill.

Mr. MALLORY. I will say to the Senator from Alabama that I do not think I was oblivious to the fact to which he calls attention. That is one of my most serious objections to this measure. I have not had an opportunity, perhaps, to dilate on it as much as I otherwise would have done.

Mr. PETTUS. If the Senator will allow me, I merely call attention to this matter now because there seems to be an agreement going on to perfect the bill, leaving the hundred thousand men there, already volunteered, but not to be called out until Congress says so. I object to its being organized in that way. We have a hundred thousand men now authorized. Sixty-odd thousand of them are in actual service, and the balance can be called out whenever the President desires it. This adds a hundred thousand more, making two hundred thousand men enlisted if the President chooses to fill up the Army to its maximum. I think we are traveling too fast toward a government by military force.

Mr. MALLORY. Undoubtedly there is a great deal of pertinency in the remark made by the Senator from Alabama on that point. If there is any occasion for an increase of the Army of the United States, the Senate has certainly had no information on that subject. The evidence we have had is that there is no occasion for a provision of this kind. We do not apprehend any invasion of our country either from the north or the south of us, and I do not think anyone, even in his wildest dreams, could imagine that any combination of European powers would undertake to land military forces upon our soil. Consequently, except for such purposes as concern our own internal peace and order and for the manning of our fortifications, there is no occasion for any considerable army.

The Administration has thought proper to reduce the Army to 65,000 men, if I am not mistaken, and I understand that there is an adequate force in the Philippine Islands to carry out all the policies which this Government has decided to pursue in those islands. There is no clamor among the press of this country for an increase of the Army, and yet here, under the guise of a bill for the promotion of the efficiency of the militia, we find, as the Senator from Alabama says, a provision that will increase the standing army of the United States by a hundred thousand men.

Now, the Senator from Ohio [Mr. FORAKER] admits that these men will constitute a part of the Army of the United States, as distinguished from the militia.

Mr. FORAKER. Whenever called into the service.

Mr. MALLORY. Whenever called into the service, and they can be called into service in twenty-four hours by the President.

Mr. FORAKER. First having the authority of Congress.

Mr. MALLORY. Well—

Mr. TILLMAN. With the permission of the Senator from Florida, in furtherance of the view of the Senator from Alabama, I will call attention to the proviso on page 17, where it is provided "that the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps." I would ask permission of the Senator from Florida, whom I dislike to interrupt, but I suppose his object is like mine, merely to elucidate this question and get all the light we can on it, to propound a question.

I want to know of the three distinguished ex-Union soldiers who have participated in this debate, the Senator from Ohio [Mr. FORAKER], the Senator from Wisconsin [Mr. SPOONER], and the Senator from Wyoming [Mr. WARREN], men who volunteered when the country was in danger and risked their lives, whether they have lost faith in the patriotism of our people to volunteer whenever there is any actual need for an increase in the military establishment. They are here, impliedly, at least, giving approval to and voting to take from the volunteers the right to elect their own officers and to destroy, as it were, the State lines and the various incentives to strenuous military work and valiant service as soldiers. I want to know why it is necessary, under the guise, if that word is not too offensive, of increasing the efficiency of the militia, to destroy all future use for volunteers, and simply to increase the standing army, either by men with the flag or those in reserve whose names are on the roll and who are ready to be forced in. They will not be allowed, after the occasion arises, to show their patriotism, but they are already enlisted and officered and organized; at least if not officered they are ready to be officered by somebody sent from somewhere instead of from among themselves as we have always had it heretofore in the volunteer force.

Mr. MALLORY. Mr. President—

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. MALLORY. Certainly.

Mr. FORAKER. The inquiry was addressed to me as well as others, and if the Senator from Florida does not object I will respond to it.

Mr. MALLORY. All right, sir.

Mr. FORAKER. I want to say to the Senator from South Carolina that the rights of the States are secure under the bill, because it provides that this volunteer reserve force shall be ratably distributed among the various States. There will be a fair division, I have no doubt, if the spirit of the bill is followed.

Mr. TILLMAN. Mr. President—

Mr. FORAKER. Now, one word more before the Senator interrupts me again, that I may answer the other part of his question.

While I have no fear but that in time of national peril we will find men ready to respond to the nation's call, I have no doubt in my own mind that we would have been a great deal better off if in the beginning of the war with Spain we had had the names of a hundred thousand trained, disciplined men on file, as this bill proposes we shall have hereafter, in the office of the Secretary of War, to whom we could send a notice and who at the call of the President would have been under obligation to respond and who could then at once have been organized and put in the field.

Mr. TILLMAN. In other words, with the permission of the Senator from Florida, they would be regular soldiers and would be forced in, and although they might not feel willing, under the conditions under which that war had been entered into, to risk their lives, you would say to them, "Because you have belonged to the militia in the past your name is now on file here, and you are compelled to respond to this order whether you want to or not."

Mr. FORAKER. No man's name can get on the list who has not voluntarily placed it there.

Mr. TILLMAN. But he has placed it there as a member of a militia organization when he joins the State militia from motives of social intercourse and military glory and a feeling of wanting to wear brass buttons and a uniform. I have been all through that. In fact, the only office I ever held before I was governor was that of captain of militia, and I served ten years, and I therefore know something of the sentiment which influences young men to join the militia. The fact that he has joined a militia company and that his name is on file is used to coerce him into the Army as a regular, whether he wants to go or not, and under officers of whom he knows nothing.

Mr. FORAKER. The Senator is mistaken in saying that this bill requires that kind of consent of everyone who becomes a member of the organized militia.

Mr. TILLMAN. I did not say everyone; but how else are you going to get these names?

Mr. FORAKER. This applies not only to those who have served in the National Guard, but also to those who have served in the Regular Army and—

Mr. TILLMAN. Mr. President—

Mr. FORAKER. It does not require anybody to put his name on the list. If a man, having that qualification of service, sees fit to make a conditional enlistment for five years more, he, of course, will be under obligation to respond without regard to the character of the war and without regard to his feeling with respect to it. But that will be no more severe on him than it is on the man who has enlisted in the Regular Army, thinking there would be no war for him to participate in except one in which his whole heart would be, and who suddenly found that a war had arisen with which he was not in sympathy.

Mr. TILLMAN. With the permission of the Senator from Florida, I should like to ask the Senator from Ohio what safeguards are thrown around this enrollment. We find on page 15, line 17, these words:

The Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia.

Is there no coercion here?

Mr. FORAKER. Can the Secretary of War enroll anyone without his consent?

Mr. TILLMAN. I do not know whether this language would allow of enrollment without additional authority, but I want some light on that subject.

Mr. FORAKER. All that I can say in answer to the Senator from South Carolina is that his military service as captain of militia in South Carolina ought to enable him to learn that nobody is enrolled except in case where a draft is ordered—and that is never ordered except in times of great emergency—without his consent. It is a voluntary matter throughout. The Secretary of War will have authority to enroll the names of 100,000 men who may be willing to be enrolled, who may be willing to give that conditional obligation to serve in the event—

Mr. TILLMAN. What is the quid pro quo? What do these men get?



Mr. SPOONER. Nothing.  
Mr. FORAKER. Nothing, except an opportunity to serve their country.

Mr. SPOONER. They do not get even guns.  
Mr. TILLMAN. In the event they are not going to get guns, how in the name of common sense are they going to be drilled men and seasoned soldiers?

Mr. SPOONER. They are not eligible to be enrolled unless they have served. They have already been drilled.

Mr. QUARLES. They have already been drilled.  
Mr. SPOONER. They are men who have served in the Regular Army; men who have served in the volunteer service in time of war; men who have served in the organized militia of the States.

Mr. TILLMAN. Then you take from these volunteers or quasi volunteers or pseudo volunteers the right to organize their companies as the real volunteers have always done and to get into the Army under officers whom they can trust.

Mr. FORAKER. They will be organized precisely as the Volunteer Army was organized that was sent to the Philippines.

Mr. TILLMAN. That army was nothing more or less than an addition to the Regular Army, officered by appointees from the War Department or appointed by the President.

Mr. FORAKER. This will be the same kind of a force. That is what the bill provides.

Mr. TILLMAN. I am glad we get that much light on it. It is not a militia, dead sure.

Mr. MALLORY. Mr. President—

Mr. CLAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Georgia?

Mr. MALLORY. Certainly.

Mr. CLAY. I desire to ask the Senator from Florida a question in order to see if I understand this bill in regard to the hundred thousand reserve force. If I understand it, it is simply an appendix of the National Army. The hundred thousand men are kept as citizens when they are not called into service. They do not draw any pay at that time, but in the event that we go to war and more soldiers are called for then they are all ready and a part of the Regular Army and will be used as a part of the Regular Army. That is my understanding of the hundred thousand national reserve force.

Mr. MALLORY. That, I believe, is the effect of this provision. It is an appendix, as the Senator says, to the Regular Army of the United States which can be called forth and put into active service. The question how they are called forth is one upon which we may differ. Whether it will require an act of Congress to do it, under the language of the bill as it is now, or whether the President can do it without the intervention of Congress, I think is an open question to some extent, and one at least that I would not care to leave to the solution of the party interested in calling out the men.

For that reason I think that if this bill is to pass it would be very advisable for its friends to see that there is no question whatever as to the power conferred on the President in this matter; that he should not be vested with authority, either implied or otherwise, for calling out these troops without the express authority of Congress.

But, Mr. President, laying aside these questions of the details of the measure, it strikes me that it is one which ought not to be passed in its present state. It seems to me that the provision for the national volunteers should be eliminated from the bill, and if, in the judgment of the Secretary of War and a majority of Congress, it is necessary to provide a body of men, which in an emergency of foreign invasion or foreign war we could gather together summarily and put in the field as an adjunct to the Regular Army, let that be presented to the Senate in its proper shape and upon its own merits.

I do not think, Mr. President, that my constituents would sustain me in voting for this bill with that provision in it. The title I will not say is misleading, but it certainly does not convey to the average reader any impression whatever of the true object and purpose of the measure. "To promote the efficiency of the militia" is clearly understood, undoubtedly, but what is covered by "and for other purposes" is not, I think, contemplated by those who have heard this bill treated of in the press of the country. It is true—

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. MALLORY. Certainly.

Mr. WARREN. I call the Senator's attention to the fact that that is the usual title of a bill—"and for other purposes." There is no significance to that.

Mr. MALLORY. That is the point. "And for other purposes"

has given rise to more litigation and more questions in the courts than almost any other subject relating to the details of the passage of bills. "And for other purposes" should at least be germane to and have some connection with the main subject of the bill. Many States have found it necessary to require that in the passage of measures through their legislatures the title shall set forth the object distinctly, and that where there is any concealment as to the object or purpose of the measure the measure itself becomes unconstitutional. That, of course, is not observed in national legislation, but when you use the term "and for other purposes" the necessary implication is that that relates to something that is at least germane to the subject.

Now, it may be said that the organization of a branch of the standing army of the United States is germane to the reorganization and promotion of the efficiency of the militia. I do not admit it. I think the two subjects are as wide apart as the poles. The framers of the Constitution have always adhered to the widest possible distinction between the militia, whether used in a generic or a specific sense, and the Army.

Therefore, Mr. President, if this measure is to pass, and I will admit that, so far as the provisions relating to the improvement of the militia are concerned, it meets my most hearty approval and I would be very glad to vote for it—if it is to pass and if the beneficent purpose or the good purpose which is designed by those provisions relating to the militia is to be secured, let us eliminate from it, as the Senator from Alabama proposes by his amendment, all the matter relating to an addition to the standing army of the United States. If we do that, we shall then have a compact militia bill which I think will be acceptable to every Senator upon this floor. Certainly I would have no difficulty in voting for it; in fact, I would with a great deal of pleasure vote for it. But in the shape in which it is, with this new and untried experiment put into it, while making no reflection upon those who had the drafting of it or who are fathering it here in this body, it seems to me it would be a great deal better to let that provision, which I think is entirely foreign to the purpose of the organization of the militia, go out and bring it into the Senate if necessary on its own merits as a separate measure.

Mr. President, I have endeavored somewhat feebly, and certainly very disconnectedly, to voice some of the reasons why I think the measure ought not to pass in its present shape. If the amendment proposed by the Senator from Alabama, striking out the twenty-fourth section, prevails, I think it would be a great improvement; but I think the twenty-third section ought also to go out and that one or two minor amendments should be made. If that amendment does not prevail, I propose to offer the amendment which I have read to the Senate, and I should like very much to see it adopted. I would not, however, vote for the measure, even if the amendment were adopted, with the balance of the twenty-fourth section remaining in the bill.

Mr. FORAKER. Before the Senator from Florida takes his seat, I should like to ask him one question, in order that I may know whether I thoroughly understand his closing remarks. The question I would ask him is whether his objection to this measure is simply that it is a part of the bill that he thinks is not germane to the general subject, or whether he would oppose this measure if it were on some other bill?

Mr. MALLORY. I would oppose it undoubtedly. I would oppose it, I think, unless it were modified very much in some of its features. I refer to that portion relating to the special volunteer reserve.

Mr. FORAKER. That is what I supposed until the closing remarks of the Senator, which led me to think that perhaps I had misunderstood him. In other words, the objection of the Senator is primarily to providing by Congress for a volunteer reserve force that can be called out in an emergency, after Congress has taken action authorizing the President to make such a call; for whether the bill as it is now before the Senate makes that specific or not, it will be made specific, because no one has any thought of giving to the President the power to call 100,000 men into service and organize them and put the country to an expense to support them unless Congress hereafter takes action specifically authorizing it.

Mr. MALLORY. In answer to the Senator's query, if he will permit me, I will say that I will oppose the provisions of the twenty-third and twenty-fourth sections as they now stand. I am not opposed in the abstract to the provision for a national volunteer reserve—not a National Guard, but a national volunteer reserve. I am not opposed to such an organization, in fact, as is here indicated. But I would have to see that it was surrounded with ample safeguards, which in my judgment are necessary, and that there should be in it some provision whereby it should not overslaugh and throw into the shade and into the background the militia of the States, which I think ought to be cultivated and encouraged much more than the reserve force which is proposed by the bill.

Mr. FORAKER. I asked the Senator from Florida the question not only that I might understand him, but that I might bring before the Senate distinctly the fact that the opposition to this measure is an opposition to the organization of a reserve force such as is here provided for the Army of the United States.

Mr. BACON. Will the Senator from Ohio permit me?

Mr. MALLORY. I hope the Senator from Ohio will not put into my mouth something I did not say. I say that I oppose this particular provision now.

Mr. FORAKER. So I understand.

Mr. MALLORY. I am not, I said distinctly, opposed to the organization of a national volunteer reserve. I have said that and I think I have said it sufficiently distinct to prevent any misapprehension. But I can not go into a discussion of the various views that I think would control me in making qualifications as to the provisions of the bill. I do not think that the national volunteer reserve ought to be made a more important military factor than the militia of the States.

Mr. FORAKER. I hope the Senator from Florida will not think that I was by my inquiry putting into his mouth anything he had not said.

Mr. MALLORY. Not at all.

Mr. FORAKER. I was undertaking to state his position as I understood it. He is opposed to providing for a national volunteer reserve force in the manner provided for in this bill. He is willing to provide for one in some other manner. I do not know what that manner is. What I wanted to say in answer to that suggestion—and then I will yield to the Senator from Georgia—is that I do not know how any more harmless step could be taken than the one here provided for—one that can not possibly, as it seems to me, be attended with any danger to the public welfare or give any uneasiness to any man who thoroughly understands the provisions of the bill upon the theory that we are unduly increasing the Army. If some Senator would indicate how we can have the militia force which, it seems to me, we ought as one mind to agree upon the propriety of having, I will be glad to have the benefit of his suggestion. I do not think any Senator who belongs to the committee is so committed to the specific provisions of this measure in this respect that he would not be glad to have the benefit of suggestions from other Senators.

Mr. BACON. Now, will the Senator permit me?

Mr. FORAKER. Certainly.

Mr. BACON. Mr. President, the question propounded by the Senator from Ohio is one the reply to which might be misconstrued. I desire to say for myself, as the Senator referred not only to the Senator from Florida, but to other Senators occupying a similar position, that I am not opposed to the proposition of a reserve force, and a reserve force of experienced men, if you please. But if it is to be constituted of the citizen soldiery, my contention is that that citizen soldiery is essentially that which the Constitution contemplates when it makes provision for the organization of the militia, and that that reserve should be organized in conformity with the requirements of the Constitution and should constitute a part, legitimately, of the militia.

Now, I am perfectly willing to join hands with the Senator from Ohio and with other Senators in the effort to provide a reserve force which shall constitute a part of the militia. This does not constitute a part of the militia according to the avowed confession of Senators.

Mr. WARREN. Mr. President—

Mr. BACON. If the Senator will pardon me just a moment, I think I can suggest to the Senator from Ohio that it is entirely practicable to organize a reserve force which shall be composed of the experienced men, as specified in the bill, and which shall still constitute a part of the militia, officered by the State, as required by the Constitution. Now—

Mr. FORAKER. Will the Senator allow me there? He overlooks this fact. The State itself determines to what extent it will have an organized militia.

Mr. BACON. No—

Mr. FORAKER. Now we provide for the utilization of all the organized militia that the several States may see fit to organize; and then, in addition to that, we provide that they shall have a national volunteer reserve force.

Mr. BACON. The Senator interrupted me before I had finished.

Mr. FORAKER. I beg pardon.

Mr. BACON. I think the Senator is mistaken in that suggestion, and I was coming to that very point. Under the provision in the Constitution which permits the General Government to provide for organizing the militia, and that exact word is used, I think it is competent for the General Government to prescribe that there shall be a certain number of militia enrolled in each State in proportion to the population thereof, and I believe it is perfectly competent to draft a bill which would be constitutional which should prescribe the number of militia to be organized in

each State. Does the Senator doubt that proposition, when the Constitution prescribes—

Mr. MALLORY. Will the Senator permit me to interrupt him? This very bill provides that the militia, in order to get the benefits of the measure, shall consist of 100 men for each member of the House and Senate in Congress. At least—

Mr. BACON. If that proposition is correct, where is the difficulty? And, in the absence of difficulty, where is the need for departing from the time-honored recognition of the militia as a part of the militia to be organized by the State in accordance with the provision of the Constitution?

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. With pleasure.

Mr. WARREN. I desire to call the attention of the Senator from Florida, before he leaves the Chamber, as I see he is about to leave, to the condition of the bill with reference to his amendment. He offers an amendment to section 24. I understood the Chair to rule on this same section and bill, on another day, that an amendment to perfect the section is first in order before an amendment to strike out. Therefore I wanted to ask the Senator from Florida if he has offered his amendment so that it may be acted upon before a vote is taken on the motion to strike out the whole section.

I also wish to ask him another question with reference to it. One of his objections to section 24 seems to be that the President could call out this force without any action of Congress hereafter. I observe that his amendment does not cover that point. If I understand it correctly it leaves that in the position it is in now, and under his understanding it would leave it so that the President could call this force out at any time, provided there was war imminent, or existing, without reference to Congress, and the assumption is that he could thus take from Congress the power to provide what use should be made of it. I wanted to ask if that is the manner in which he wishes his amendment to go in.

Mr. MALLORY. Yes; I did not propose to make any other change than to authorize the President in case war was imminent, or in case of actual war, without any further intervention of Congress.

Mr. WARREN. Now, Mr. President—

Mr. MALLORY. As I said, Mr. President, I would not vote for the bill if this amendment were adopted with the twenty-fourth section as it is now.

Mr. WARREN. The hour is near when I suppose other business will displace this bill, and while on my feet I want to give notice that I will ask to have the pending bill taken up to-morrow morning in the morning hour, immediately after the routine business. I ask the Senator if he will have his amendment before us as he desires at that time. Will he prepare the amendment so as to offer it to-morrow?

Mr. MALLORY. I will offer it some time to-day.

Mr. BACON. I call the attention of the Senator from Wyoming to the fact that notice has already been given, I understand, for the consideration to-morrow of the resolution offered by the Senator from Missouri [Mr. VEST], which went over to-day by agreement.

Mr. WARREN. That would be in the nature of morning business, and I presume this bill would follow it.

Mr. BACON. That would have first consideration, of course. If the Senator has that in contemplation, that is different.

Mr. WARREN. This bill would follow the remarks of the Senator from Rhode Island upon the resolution offered by the Senator from Missouri.

Mr. BEVERIDGE. Before the hour of 2 o'clock arrives, I wish to give notice that after the pending amendment is disposed of I shall offer the following amendment as a proviso to section 2.

The PRESIDENT pro tempore. The proposed amendment will be printed and lie on the table.

Mr. MALLORY subsequently said: I wish to offer the amendment I promised to offer to House bill 15345, to promote the efficiency of the militia, and for other purposes. I ask that it be printed.

The PRESIDING OFFICER (Mr. QUARLES in the chair). The amendment will be printed.

#### STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, I suggest the absence of a quorum.



The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Deboe,	Harris,	Quarles,
Bacon,	Depew,	Jones, Ark.	Quay,
Bate,	Dietrich,	Kean,	Scott,
Berry,	Dillingham,	Kittredge,	Simmons,
Beveridge,	Dryden,	McEnery,	Spooner,
Blackburn,	Dubois,	McLaurin, Miss.	Taliaferro,
Burrows,	Fairbanks,	Martin,	Tillman,
Carmack,	Foraker,	Mitchell,	Turner,
Clark, Wyo.	Foster, Wash.	Morgan,	Warren,
Clay,	Frye,	Nelson,	Wellington,
Cockrell,	Gibson,	Perkins,	Wetmore.
Culberson,	Hale,	Pettus,	
Cullom,	Hanna,	Platt, N. Y.	

Mr. McLAURIN of Mississippi. My colleague [Mr. MONEY] is unavoidably absent on account of sickness.

Mr. WARREN. I desire to say on the part of the Senator from Maryland [Mr. McCOMAS] that he was suddenly called from the city on account of the death of a member of his family and that he is unavoidably absent.

Mr. QUAY. I wish to state in behalf of my colleague, the senior Senator from Pennsylvania [Mr. PENROSE], that owing to circumstances beyond his control he is temporarily absent. He may be here this afternoon to attend the session, but he is not at present in the city.

Mr. SIMMONS. I desire to announce that my colleague [Mr. PRITCHARD] is ill and unable to be in the Senate.

Mr. DUBOIS. I wish to announce once and for all that my colleague [Mr. HEITFELD] is at home in Idaho, detained through sickness in his family, and that he is unavoidably absent.

The PRESIDENT pro tempore. Fifty Senators have responded to their names. There is a quorum present.

Mr. BEVERIDGE. With the permission of the Senator from Minnesota [Mr. NELSON], who, I believe, has the floor at this time, I send to the desk and ask to have read the following telegram, and I request that it may be incorporated in the remarks of the Senator from Minnesota, which are very comprehensive on this point.

The PRESIDENT pro tempore. The Senator from Indiana asks that the telegram may be read and that it may be made a part of the speech of the Senator from Minnesota. Is there objection? The Chair hears none. The Secretary will read them.

The Secretary read as follows:

OKLAHOMA CITY, OKLA., January 6, 1903.

Senator ALBERT J. BEVERIDGE,  
United States Senate, Washington, D. C.:

At a nonpartisan interterritorial statehood convention held in this city today, participated in by 2,000 delegates, representing practically every incorporated town and many hamlets in the Indian Territory and 20 of the 26 counties of Oklahoma, the following resolutions were unanimously adopted:

"We, the people of Oklahoma and the Indian Territory, assembled in delegate convention for the purpose of giving organized expression to our desire for statehood, again declare to the Congress that we favor the creation of one State out of the area now embraced within both these Territories, and we most emphatically indorse the simple statehood provisions of the Senate bill known as the Nelson bill. This bill is in conformity to the views we expressed in our single statehood convention held at South McAlester in December, 1900, and the convention held at Muskogee in November, 1901, and the convention held at Claremore in December, 1902. All those conventions, as well as this one, were and are representative of the business interests of both Territories, and were and are the organized expression of the desire of the people of both Territories for immediate single statehood upon terms of justice and equality to the people of both Territories. We indorse the platforms adopted by those earlier conventions, and we now quote with our approval the following extract from the resolutions adopted by the Claremore convention:

"We, the people of Oklahoma and the Indian Territory, in convention assembled, confident that organic union is our manifest destiny, again proclaim to the Congress that we favor the creation of a single State out of the area now embraced within both these Territories, and we offer the following reasons in support of our position:

"First. Oklahoma's area is 89,000 square miles; that of the Indian Territory only 31,000 square miles. The average area of the States and Territories west of the Mississippi is more than 100,000 square miles, while that of Texas, our next-door neighbor, is 265,000. Our combined area will make a State less than 70 per cent of the size of the average Western State, while taken separately we will be the two Rhode Islands of the West.

"Second. The resources of the two Territories complement each other. Oklahoma is almost wholly agricultural, while the Indian Territory is richly endowed with mineral wealth, and the combination will make a State unsurpassed in variety and abundance of natural resources.

"Third. Single statehood insures larger taxable values and consequently lower taxation.

"Fourth. Single statehood eliminates a crooked, wandering, and fantastic boundary line which now divides the two Territories.

"Fifth. Single statehood confirms and cements a social fellowship already established by inter-Territorial organizations of the Methodist Episcopal Church South, the Methodist Episcopal Church, the Episcopal Church, the Presbyterian Church, the Catholic Church, the Federation of Women's Clubs, and the Masonic and other fraternities.

"Sixth. Single statehood confirms and cements a business fellowship already established by inter-Territorial organizations of the cotton-seed oil manufacturers, the lumber dealers, the ice manufacturers, the grain dealers, the flour manufacturers, and other business organizations.

"Seventh. Single statehood, finally, insures a State which will quickly take high rank in this Union, and which we can bequeath to our posterity with pride and satisfaction."

"We are opposed to the passage of either the omnibus or the Moon bill, because their enactment into law means either double statehood or single statehood long deferred, and accomplished, if at all, by the attachment process. We oppose the attachment process because it is not necessary for the Territories, being ready for immediate statehood; because it is unfair to the Indian Territory to deprive its people of all participation in the constitutional convention and the framing of the laws and from a voice in the location of our public institutions. We oppose the attachment process for the further reason that its effect will tend to create a sectional line of cleavage in the State which might not be obliterated for generations.

"We think we are entitled to immediate statehood—

"First. Because it is a right guaranteed us by the treaty with France at the time of the Louisiana purchase.

"Second. Because it is a right that Congress ought not to deny to a million free and intelligent citizens.

"Third. Because both Territories are ready for statehood.

"Fourth. Because Congress has the legal right to grant statehood not only to Oklahoma but also to the Indian Territory. (Thomas v. Gay, 109 U. S., 264.)

"Fifth. Because both Territories have the necessary population, each having about 500,000, 90 per cent of whom are American citizens.

"Sixth. Because both Territories have the soil, resources, and climate to sustain this population and insure large and steady increase.

"Seventh. Because both have sufficient taxable property to support a State government without excessive taxation.

"Eighth. Because the work of the Dawes Commission has been so nearly completed as to no longer interfere with immediate statehood. That Commission has concluded treaties with all of the Indian tribes, providing for the allotment in severalty of their lands, and authorizing the sale of all except the homestead. These allotments will probably be completed by the time a State government can be organized. The lands of the Creek and Seminole nations have all been allotted.

"In the Cherokee, Choctaw, and Chickasaw nations the lands have all been surveyed and classified, and the work of allotment is now simply clerical and should be completed within twelve months. The mineral and asphalt lands of the Choctaw and Chickasaw nations are to be sold by the Secretary of the Interior, and as soon as sold will of course be taxable. It therefore is beyond controversy that the work of the Dawes Commission no longer interferes with statehood, and that there is abundance of taxable property.

"Ninth. Congress can reserve such power over Indian affairs as it desires, and statehood will in no way interfere with the free action of the Interior Department in carrying out all the treaties between the Government and the several tribes. In this opinion we are supported by a recent holding of Judge Hosea Townsend, of the southern district of the Indian Territory.

We urge upon the attention of Congress the fact that it is not a question as to whether these two Territories shall be united, but whether they shall be divided. Thousands upon thousands of our citizens have moved into both Territories, relying upon past legislation and the future wisdom of Congress as insuring no division of those two Territories upon the arrival of ultimate statehood.

Section 1 of the act of May 2, 1890, 26 Statutes at Large, 81, known as the organic act, creating Oklahoma Territory, contains the following provision:

"Any other lands within the Indian Territory, not embraced within these boundaries, shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning such lands shall signify to the President of the United States, in legal manner, its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect."

Oklahoma as it exists to-day is the aggregate of various purchases from the several Indian tribes which have been opened to settlement at intervals, running from the 22d day of April, 1890, to the 1st day of August, 1901, and in view of the legislation quoted and the history of the organization of Oklahoma, it has been our well grounded belief that the Congress would never divide the people of these two Territories or undertake to create two States within their borders. We now feel that the passage of the Nelson bill is but a fulfillment of the original promise arising out of the history of Oklahoma and the Indian Territory, and that it is but a simple act of justice to the 1,000,000 citizens now living within our borders.

"The creation of two States out of our Territory and the passage of the omnibus bill with the subsequent attachment to Oklahoma of the Indian Territory are two calamities viewed with equal abhorrence by the fair-minded non-partisan business interests of both Territories. To pass the omnibus bill, thus giving to one-half of our common territory the right to frame the organic law and organize the State government and locate all public institutions, and then to attach the other half of our common territory with equal population, equal taxable wealth, and equal resources, is an act of such gross and palpable injustice to that half of the people so to be attached that we can not believe the statesmanship of the United States Senate will ever consent to its perpetration.

"We declare to the Congress that this question of statehood is one affecting our future destiny as a part of the great American Union, and we appeal to the members of that body and to the President of the United States to consider the case upon its merits, and disengage it from all entangling alliances, so that justice may be administered to a million people whose future wealth and standing as an American Commonwealth is of infinitely more importance than temporary party advantage or any unwise sectional gain resulting from an increased number of United States Senators.

"Finally, we affirm as our deliberate and final declaration, that so far as the interests of Oklahoma and the Indian Territory are affected by the omnibus bill, we are unalterably opposed to its provisions, and we prefer absolutely no statehood legislation to the passage of that bill.

"By act of Congress passed more than two years ago all the Indians in the Indian Territory are made citizens of the United States, and thus their competency for the burdens and duties of statehood, in common with the other inhabitants in that Territory, has been settled.

"We express our entire confidence in the good faith of Senators BEVERIDGE, NELSON, and others in their efforts to secure statehood for the two Territories, on terms of absolute equality, at the earliest possible moment, and denounce as a subterfuge the charge that their efforts in urging single statehood is to prevent all statehood legislation in the present Congress."

JESSE J. DUNN, Secretary,  
GIDEON MORGAN, Chairman.

JANUARY 7, 1903, 4.05 A. M.

Mr. BEVERIDGE. Mr. President, with the permission of the Senator from Minnesota, I will state that I have presented this telegram to the Senate at this time because it is the final result, as we are informed in the telegram itself, of one of the most remarkable conventions, perhaps, that has ever been held in the Southwest, and I dare say throughout the entire country; and because it appears to me and to the other members of the committee that when the inhabitants of a Territory seeking admission as a



State are sufficient both in number and in quality to entitle them to statehood their desires as to the method of the bestowal of statehood should be considered by the body which has to pass upon it.

Mr. QUAY. I know very little about the proceedings of the convention to which the Senator alludes; but I desire to ask him for information whether or not the action of that convention was unanimous?

Mr. BEVERIDGE. I will find out by an examination of the paper.

Mr. QUAY. I think it is stated in the paper.

Mr. BEVERIDGE. Let us see. It says:

At a nonpartisan interterritorial statehood convention held in this city to-day, participated in by 2,000 delegates representing practically every incorporated town and many hamlets in the Indian Territory and 20 of the 26 counties of Oklahoma, the following resolutions were unanimously adopted.

Mr. QUAY. That is the point at which I wanted to arrive.

Mr. BEVERIDGE. Well, you have arrived.

Mr. QUAY. I further desire to ask the Senator from Indiana whether this convention was a convention of inhabitants of the Territory or only of those inhabitants of the Territory who are favorable to what is known as the Nelson bill? The Nelson bill, to which these resolutions refer, is in a very nebulous condition. We had it here in one shape, but it was withdrawn, and it is not now in any shape before this body, but is to come here in a revised, amended, reformed, and improved condition, as I understand. So that it seems to me the convention of the friends of the Nelson bill were acting very unintelligently in passing these indiscriminate resolutions.

Mr. BEVERIDGE. I am not surprised that the Senator from Pennsylvania thinks that convention of 2,000 delegates has not acted intelligently. They have not acted intelligently in that they have not acted in accordance with the Senator's views.

Mr. QUAY. No; but they had no bill to act upon.

Mr. BEVERIDGE. Mr. President, concerning the nebulous state of the bill, the Senator knows that that adjective is hardly justified by the conditions and facts. The committee reported that substitute to the Senate and afterwards withdrew that substitute for further correction, with the statement at the time that at some future period it would be reintroduced. The Senator, therefore, has notice that that substitute in its essential provisions is now before the Senate for discussion, and so far as the resolutions of this convention are concerned, that action, to which I do not blame the Senator from Pennsylvania for taking exception, was taken upon the committee's substitute in its essential provision, which is the union of the Territory of Oklahoma and the Indian Territory.

The matter of the machinery of the bill, as to how the State is to be admitted, as to how the delegates to a constitutional convention are to be selected, are matters of legislative detail; but the great central and fundamental question is whether or not one great homogeneous State, similar in size and population to other great Western States, shall be admitted, or whether, for purposes which we have yet to hear explained, two grotesque and bizarre and indescribable geographical communities shall be selected instead. The great question of single statehood or double statehood was before this convention and is now, for all the purposes of discussion, before the Senate.

Mr. QUAY. Mr. President, I do not want to precipitate a discussion which will drive my friend from Minnesota [Mr. NELSON] off the floor, to his utter disgust I have no doubt.

Mr. BEVERIDGE. I think the Senator from Minnesota can speak as to his own disgust.

Mr. QUAY. I am not claiming to speak for him, and I am not disgusted, and the Senator could not disgust me if he tried, but the point at which I wish to arrive, and to which I desire to direct the attention of the Senate, is that this convention was not a convention of inhabitants of Oklahoma called indiscriminately together to pass directly upon the right of these two Territories to be admitted at the present time, or as to whether it is proper that they should be admitted separately or in combination. It was a convention of friends of the proposition of the Committee on Territories, and, of course, their action was unanimous, but their action does not represent the people of Oklahoma.

Mr. BEVERIDGE. The Senator, of course, speaks from his inference and not from his information, or has the Senator private information?

Mr. QUAY. I have no private information, but it is patent upon the face of it.

Mr. BEVERIDGE. I think it is patent on the face of it. As to the inference, therefore, one Senator can draw inferences as well as another. The telegram itself leaves it not open to inference, because it says—and I call the attention of the Senator to it:

At a nonpartisan interterritorial statehood convention held in this city to-day, participated in by 2,000 delegates.

And so forth.

Now, the Senator infers that these were the friends of the com-

mittee's bill. Of course the inference is perfectly proper, because it says these 2,000 delegates, representing the people of both Territories, unanimously adopted these resolutions. Therefore, of course, the inference could only be—it is not an inference, as the Senator says, but it is patent on the face of it—that they were friends of this bill.

Mr. QUAY. Will the Senator permit me a word there?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. Since I replied to the Senator I have received some information on that question. The fact is that in the calling of that convention, whose proceedings the Senator has just had read at the desk, no one who was opposed to the Nelson bill was eligible to membership in it. That information I have just received.

Mr. BEVERIDGE. Mr. President, I am not surprised at that. I am not surprised that the people of these two Territories, the vast majority of whom are in favor of the Nelson bill, should call a convention to express their views to the Senate of the United States, as it is their right as American citizens to do. I suppose the Senator would not suppress the constitutional right of citizens to assemble and petition Congress; and, if not, I do not see the particular point or the weight of his objection, although I do not blame him for objecting.

I did not expect, Mr. President, to utter more than three or four sentences when I rose—

Mr. QUAY. I do not wish to induce the Senator to continue his remarks. I give notice of that. I desire to reach a vote on this bill; but what I objected to was a masquerading of this convention as a representative convention of the people of Oklahoma, when it was a convention of the advocates of the Nelson bill.

Mr. BEVERIDGE. The Senator, of course, we all concede, has the right to indulge in any one of the great arsenal of adjectives at his command, among which is "masquerading," which is an adjective in the form of a verb at least, but I do not think that that changes the fact.

I introduced this paper and asked to have it read and made a part of the very comprehensive statement of the Senator from Minnesota. There was no "masquerading" in that, save as this itself constitutes a masquerade, and the only "masquerading" that has been introduced into the debate has been introduced by the Senator from Pennsylvania himself.

As I said, I did not intend to make remarks extending over more than four or five sentences, merely calling attention to the fact, as I was saying when the Senator interrupted me, that when the inhabitants of a Territory are sufficient in number and quality to confederally entitle them to admission into the Union, it is proper and right that they should give voice to their views as to how they should be admitted, and that that voice should be considered by the body which is to pass upon the question.

Since the Senator has called attention to and attempted to minimize the effect of the proceedings of this convention, I will state that it is no surprise to a majority of the committee that such a convention was held and that these proceedings were the fruit of it, because it merely confirms what was the opinion and observation, I dare say, of every member of the subcommittee who visited those Territories, who talked with those people, and who heard the witnesses. We did not refuse to hear anyone down there who applied to be heard.

Mr. President, if that is true, if four men representing both sides of this Chamber are not mistaken in their views as to what the people there desire, if this itself is of any weight, then we have before us the expression of the people themselves in favor of the substitute proposed by the committee. Nor is it unnatural that those people should have this view. They have expressed not only their views, but their reasons for those views, which appear to me to be absolutely unanswerable; and because not only of the expression of the views themselves, but of the reasons for them, I am not surprised that a vast majority of the people of both of those Territories are in accord with the expression finally arrived at.

Mr. BATE. Mr. President, with the permission of the Senator from Minnesota [Mr. NELSON]—

Mr. NELSON. I yield to the Senator.

Mr. BATE. Mr. President, as telegrams are being presented, I hold in my hand the proceedings of persons very deeply interested in this matter. I have heard nothing in that which has been read regarding the rights of the Indians. The proposition is to absorb the Indian Territory along with Oklahoma. Here are the proceedings of the representatives of the Indian tribes themselves, which refer to questions pertinent to their rights. I present them, and believe they should have weight, as they refer to the rights of the Indians in that Territory. I need not go back to history to show that the land there belongs to them absolutely; that their rights ought to be respected, and their views listened to in this matter. Here are their proceedings in regard to the subject which is directly before the Senate. As the paper is very short, I ask



that it be read, so that it may be placed in the RECORD along with these other communications.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

PROCEEDINGS OF THE EUFULA CONVENTION, NOVEMBER 28, 1902.

Pursuant to a call of the Hon. Green McCurtain, principal chief of the Choctaw Nation, there assembled at Eufaula, in the Creek Nation, Indian Territory, November 28, 1902, delegates from three of the Five Civilized Tribes in the Indian Territory, for the purpose of formally expressing to Congress the views of the Indians on statehood for the Indian Territory. These delegates were appointed by the principal chief of the several tribes under the authority of resolutions by their respective councils. The delegates were:

*Creek Nation.*—Hon. P. Porter, principal chief of the Creek Nation, Muskogee, Ind. T.; Cheesie McIntosh, Checotah, Ind. T.; Rolley McIntosh, Fame, Ind. T.; John B. Goate, Holdenville, Ind. T.; Alex A. Davis, Okmulgee, Ind. T.; A. P. McKellop, Muskogee, Ind. T.

*Cherokee Nation.*—Wash Swimmer, Tahlequah, Ind. T.; A. L. Lacie, Baptist, Ind. T.; L. B. Bell, Vinita, Ind. T.; J. G. Schrimmer, Claremore, Ind. T.; George Sanders, Rose, Ind. T.

*Choctaw Nation.*—H. P. Ward, Kiowa, Ind. T.; L. C. Le Flore, Caddo, Ind. T.; Hampton Tucker, South McAlester, Ind. T.; Henry Ansley, McAlester, Ind. T. Hon. Pleasant Porter was made permanent chairman and Henry Ansley permanent secretary.

A committee on resolutions was appointed, consisting of L. B. Bell, Cheesie McIntosh, and Hampton Tucker.

The committee reported the following resolutions, which were unanimously adopted:

RESOLUTIONS.

Whereas the Five Civilized Tribes of the Indian Territory have, by agreements made and entered into with the United States, provided for the dissolution of their tribal governments; and

Whereas the changed conditions brought about by such agreements require a complete revolution in our land tenure and new laws and usages unknown to the Indians composing the Five Tribes of the Indian Territory, which conditions will require time for the Indians to adapt themselves to the changed order of things; and

Whereas these changes were apparent to the contracting parties at the time of the making of said agreements, which is evidenced by the fact that a separate political organization was provided for the Indian Territory, and the period for the dissolution of said tribal governments was fixed at March 4, 1906; and

Whereas citizens of the United States, and not Indians, now residents in and upon the lands of the Five Tribes, are making by petition and lobby influence efforts to induce the Congress of the United States to ignore the spirit and letter of these agreements by placing the Indian Territory under the laws of Oklahoma Territory; falling in that, to organize a United States Territory out of the present judicial organization known as the Indian Territory, either of which propositions would delay the work of the Government as now organized and satisfactorily proceeding under the direction of the Secretary of the Interior for the fulfillment of the agreements referred to: Now, therefore, be it

Resolved, By the duly authorized representatives of the Five Civilized Tribes, in convention assembled, at Eufaula, Creek Nation, Ind. T., November 28, 1902:

We affirm our confidence in the purpose of the United States Government to faithfully discharge the obligations it has assumed in its treaties with the Five Civilized Tribes in the Indian Territory.

We are opposed to and protest against any legislation by Congress that contemplates the annexation of the Indian Territory, or any part thereof, to the Territory of Oklahoma, or to any State; and we insist upon our tribal governments continuing intact and our tribal conditions remaining unchanged until March 4, 1906, at which time, should Congress deem it wise to change the present form of government in the Indian Territory, we ask that a State be formed out of the territory composing Indian Territory without the preliminary steps of a Territorial form of government.

The authority and supervision of the Department of the Interior over Indian affairs in the Indian Territory and the duties imposed on the Dawes Commission by such authority in the distribution of the lands belonging to the Five Civilized Tribes are sufficient for the present demands of government, and satisfactory to the owners of the soil.

It is incumbent upon us as self-governing people to propose a State form of government for the country owned by us and take part in the establishment of the same, to take effect at the dissolution of our tribal governments in 1906.

We most earnestly protest against the misrepresentations found in the petitions presented by people assembling in conventions at different places in the Indian Territory, purporting to represent the wishes of the people of the Indian Territory, firmly believing, as we do, that they represent no part of the Indian population and a very small part of the white people of the Indian Territory, in so far as they represent the people of the Indian Territory as asking for a Territorial form of government or statehood jointly with Oklahoma.

On account of sickness and high water, the representatives of the Chickasaw Nation did not attend. This nation, however, is thoroughly in accord with the purposes of the convention, as evidenced by a resolution passed by its council authorizing the appointment of delegates and by a letter from the Hon. Palmer S. Mosely, governor of the Chickasaw Nation, appearing in this pamphlet.

The Hon. Green McCurtain was unable to attend, but commends the action of the convention in a letter published herein.

EXECUTIVE OFFICE, CHOCTAW NATION,  
Kinta, Ind. T., December 5, 1902.

MR. HENRY ANSLEY,  
Secretary Five Tribes Convention at Eufaula, Ind. T.,  
McAlester, Ind. T.

SIR: I am just in receipt of the resolutions adopted by the convention held by the Indians of the Five Tribes at Eufaula on November 28, 1902. I am convinced that these resolutions express the sentiment of the real Indians throughout the Indian Territory, and I feel sure they will meet the hearty approval of the better element of the law-abiding noncitizens who dwell among us. For these reasons I heartily indorse the action of the convention, and believe its work will go a great way toward convincing Congress as to the wishes of the great mass of people who reside within the confines of the Five Civilized Tribes.

Yours, truly,

GREEN McCURTAIN,  
Principal Chief Choctaw Nation.

Resolutions were adopted authorizing the secretary to publish the proceedings and resolutions in pamphlet form, mail to the President, Secretary of the Interior, heads of the Indian Department, Senators, Members of Congress, and chiefs of the Five Civilized Tribes.

HENRY ANSLEY, Secretary.

EXECUTIVE DEPARTMENT, CHICKASAW NATION,  
Wapanucka, Ind. T., December 5, 1902.

Hon. HENRY ANSLEY,  
Secretary of the Five Tribes Convention, McAlester, Ind. T.

DEAR SIR: I have received a copy of the resolutions adopted by the convention held at Eufaula, Ind. T., on November 28, 1902, on behalf of the Five Civilized Tribes, and the purpose of this letter is to state that the same meet my approval.

I regret my inability to meet with the convention at the time and place and for the purposes stated.

Very respectfully,

PALMER S. MOSELY,  
Governor Chickasaw Nation.

Mr. BATE. Mr. President, I desire further to say that that represents 70,000 persons, native Americans, if you please—Indians; my recollection being that there were 70,000 as shown by the last census.

Mr. BEVERIDGE. Mr. President, the last statement of the Senator from Tennessee enlightens me in part upon a question I had intended to ask him; which was, whether or not these resolutions purport to represent all the Indians in the Indian Territory? He says they do not purport to represent more than 70,000. There are 87,000 Indians in the Indian Territory; and, therefore, confessedly, they do not assume even to represent 17,000 of them.

Mr. BATE. Will the Senator allow me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. BATE. I simply stated what I supposed to be the number of Indians there. I thought it was 70,000.

Mr. BEVERIDGE. Eighty-seven thousand.

Mr. BATE. I stand corrected. I did not know the exact number. I thought it was 70,000, and so stated from my recollection.

Mr. BEVERIDGE. Probably the Senator is right.

Mr. BATE. In relation to what the Senator says, of course I do not say that this represents all the Indians; but it comes from people who do represent those tribes and speak for them. That is all I can say about it. I do not know how they were authorized to speak for the Indians; but the paper shows who they are, and we all understand that the government of the Indians is carried on through their tribal relations. I do not know where the 2,000 delegates to the other convention came from. I do not know whether they were squawmen, or who they were, or anything about them.

Mr. BEVERIDGE. Upon that point, Mr. President, I think the dispatches in the papers state—I am not sure about that, although the papers themselves will show—that many, or at least some, of the delegates in the interterritorial statehood convention at Oklahoma City, whose resolutions have just been presented to the Senate, were Indians. I wish to say that I think it very fortunate that at this particular period of the discussion the Senator from Tennessee has called attention to an important fact, and that fact is that at most there are only 87,000 Indians in the Indian Territory. The Senator's recollection is that there are 70,000.

Mr. BATE. Seventy thousand.

Mr. BEVERIDGE. My recollection is there are 87,000. Nevertheless, the attention of the Senate is now brought to the fact that out of a population which certainly is 400,000 by this time—and it is, in the opinion of the committee, many more, perhaps 500,000—that out of a population of that vast number, 87,000 at most are Indians and the rest of them, over 300,000, to put it at the lowest possible figure, are not Indians, but are American citizens, of our own color, immigrants to that Territory from other States. I say, Mr. President, it is fortunate that the Senator from Tennessee has called attention to this point at the present time, because there has been an assumption, largely growing out of the fact of the name of the Territory—the Indian Territory—that most of the people there were Indians.

I have even seen an editorial in a paper of usually the most excellent information and of very high standing in the principal city of the State of the Senator from Pennsylvania which, while not approving of the omnibus bill, nevertheless disapproved the committee's substitute upon the stated ground that here were three or four hundred thousand Indians whom this committee ridiculously proposed to admit to statehood in this Union. I say, therefore, it is quite fortunate that the Senator from Tennessee has called attention to the fact that out of this great population only a small fraction are Indians, and therefore the objection that we are proposing to admit a great horde of Indians to citizenship—uncivilized people, as I have heard them called around the Senate Chamber—is answered.

Mr. HALE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Maine?

Mr. BEVERIDGE. Certainly.

Mr. HALE. Is it a fact, then, that the white population of the Indian Territory is larger in numbers than the entire population of New Mexico and Arizona?

Mr. BEVERIDGE. Yes, sir; and not only so, but very considerably so, Mr. President. By the census the population—

Mr. NELSON. It is twice as large as the white population of Arizona and New Mexico.

Mr. HALE. Twice as large?

Mr. NELSON. Yes, sir.

Mr. BEVERIDGE. Yes.

Mr. NELSON. There are probably half a million people there, if the Senator will allow me—

Mr. BEVERIDGE. Certainly. I am speaking on the Senator's time.

Mr. NELSON. I have no doubt that to-day there are half a million people in the Indian Territory, and not exceeding 87,000 or 88,000 of them are members of Indian nations, and even of those who are members of the Five Nations only a small proportion are Indians. A very small part are pure Indians and a very large portion of them are practically white men. Besides, there are quite a number of colored people, freedmen who were formerly slaves, who have been elected a part of that membership. So, referring to the Indians in the Indian Territory and estimating them at 87,000 or 88,000, you must bear in mind that that includes the members of nations enrolled as such. They are composed as follows: A small fraction are full-blooded Indians, another portion are mixed bloods, and a large share of them are white people who are members of the tribe simply by marriage or adoption.

Mr. BEVERIDGE. As white as you and I.

Mr. NELSON. As pure white blood as we are.

Then, in connection with that, there are a number of negroes, called freedmen, former slaves, and their descendants. I believe that to-day the statistics of the census will show that in Oklahoma there are 80,000 Indians and colored people, and I believe that it is the limit if you boil it down to that basis, of colored people and Indians in the Indian Territory.

Mr. HALE. So my inquiry has not merely developed the fact that the white population in the Indian Territory is not only larger than the whole population of New Mexico and Arizona, but twice as large?

Mr. BEVERIDGE. Yes, sir.

Mr. QUAY. Mr. President, I think I shall challenge that assertion. The population of Arizona in 1900 was about 122,000; about 123,000. The population of New Mexico was 195,000, amounting to 317,000 in the two Territories.

Mr. BEVERIDGE. Yes.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. QUAY. The Senator does not in his calculation consider native Mexicans as white men.

Mr. BEVERIDGE. There is no ground for such an assumption.

Mr. NELSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. BEVERIDGE. Certainly.

Mr. NELSON. I want to say to the Senator from Pennsylvania, who was not here, that the census report for 1900 shows that there were 26,000 Indians in Arizona not taxable, and therefore not entitled under the Constitution to representation in Congress. The statistics from the Indian Bureau, in connection with the statistics of the census, show that there are at least 10,000 Indians in New Mexico outside of the so-called Pueblo Indians, of which there are between eight and nine thousand.

Mr. BEVERIDGE. The Senator does not take into account the very large number of half-breeds in both Territories. The Senator speaks of the pure-blood Indians in Arizona and in New Mexico, and if they be deducted from the population of those Territories, I think the Senator from Pennsylvania will find that the Senator from Minnesota is accurate when he says that the white population of the Indian Territory is double the white population of New Mexico and Arizona combined.

Mr. HALE. And this white population in Oklahoma is just as pure and clean a white population as exists in Indiana or Pennsylvania or Maine.

Mr. BEVERIDGE. It is indeed.

Mr. HALE. It is not mixed at all.

Mr. BEVERIDGE. Not only that, but here is a point. Much has been made out of it, and I have seen it in the public press time and again, and therefore it cannot be too well or repeatedly stated, that out of the vast population of Indian Territory, which, according to the census, approaches 400,000, and which on account of the enormous immigration since that time, the subcommittee are convinced, reaches perhaps the point of a half million, only a very small number, to wit, 87,000 at most, are classed as Indians, and of those who are classed as Indians a very large number are pure white men, so far as blood is concerned,

quite as white as we are, and that of the rest only a few, comparatively speaking—a large number, many thousands—but only a few, comparatively speaking, are full-blood Indians.

Mr. QUARLES. About 10 per cent.

Mr. BEVERIDGE. About 10 per cent, I am informed by the Senator from Wisconsin, who is an expert upon Indian affairs, being one of the most active members of the Indian Committee.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. While I am not going to controvert or contradict in the slightest degree the statement just made, it occurs to me to picture a rather strange condition, and if the Senator has any explanation I shall be glad to have it as to how white men as pure blooded as he or I have gotten the right to all that Indian land, and how it is that the 87,000 Indians, so called, are nearly all white people. Some stealing has been done somewhere, or something, and I should like to know how it happened. I know a bleaching process is going on over there; but still that does not make them as pure white men as he and I, because I do not think either of us could be suspected of having anything else but Caucasian blood in our veins.

Mr. BEVERIDGE. It is always comforting to have the Senator from South Carolina around, because when any stealing is going on at any place he will detect it. That is a mighty good trait.

Seriously, I will say in answer to the Senator from South Carolina, that if he means to inquire how it happens that so many white people are members of Indian tribes—

Mr. SPOONER. Have suddenly become Indians.

Mr. BEVERIDGE. Yes.

Mr. TILLMAN. That is what I am asking.

Mr. BEVERIDGE. How so many have suddenly become Indians, to use the picturesque and accurate language of the Senator from Wisconsin, I will say that it is by marriage and adoption. They went down there some years ago, and they have been there since. The junior Senator from Wisconsin can inform the Senator upon that subject much more fully than I can, and so can the Senator from Minnesota, who has made it a special study. It is by marriage and adoption into the tribes. That explains how so large a number of white men are counted as Indians.

Mr. SPOONER. They are Indians by marriage.

Mr. BEVERIDGE. They are Indians by marriage. It also explains the peculiar nature of a large part of that population.

Mr. TILLMAN. Then the ethical or ethnological question arises—

Mr. BEVERIDGE. Is the Senator speaking of the ethical or ethnological question?

Mr. TILLMAN. The ethnological one.

Mr. BEVERIDGE. All right.

Mr. TILLMAN. I want to know what has become of the Indian men who might have married those Indian women.

Mr. BEVERIDGE. The committee has not gone into the matrimonial phase of the question. That is a curious and interesting interrogatory which the philosophical mind of the Senator from South Carolina propounds, one quite worth that study—

Mr. TILLMAN. I will put another, if the Senator will permit me.

Mr. BEVERIDGE. I was overcome by the one.

Mr. TILLMAN. Oh!

Mr. BEVERIDGE. I am speaking seriously. It is one which is worthy the attention and interest of all people who are interested in the most engaging study of ethnology. But the committee did not go into the question, interesting as it is, of the matrimonial relations of Indians in the Indian tribes, and we are not prepared to speak upon that subject. I wish I could enlighten the Senator.

Now, returning, Mr. President—

Mr. QUAY. Will the Senator allow me for a moment?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. Has he any objection to that paper going into the speech of the Senator from Minnesota?

Mr. BEVERIDGE. The Senator from Minnesota must and will control his own remarks. I am very much obliged for the implied compliment of the Senator in asking my permission, but I suppose the Senator from Minnesota will control his own remarks, as he does his own conclusions.

This is called out by the suggestion of the Senator from Tennessee, who evidently did not read this before he presented it, and he did not know how the delegates came to be selected; and that, Mr. President, is a question of much pertinence and importance as to the validity and weight of these resolutions, because if they have any weight, they have it by reason of representing and voicing the opinions of the individual Indians of the Indian tribes. But they were not selected by a convention. They were not



selected by popular vote. They were appointed, as we are informed by the proceedings themselves:

These delegates were appointed by the principal chiefs of the several tribes under the authority of resolutions by their respective councils.

Mr. BATE. I beg to say to the Senator that I think that was the mode of appointment.

Mr. BEVERIDGE. Undoubtedly.

Mr. BATE. And there are as much virtue and strength in it as if elected by the populace.

Mr. BEVERIDGE. I question neither its virtue nor its strength, but I do question the Senator's conclusion that it represents the populace as well as if the populace themselves had voted upon it. It represents, and just so far and no farther, exactly what it says on its face. Here were delegates appointed by the chiefs. Is it absolutely conclusive that the opinions of the chief are the opinions of all of his tribe? The chief, as I understand, although I am not informed upon that subject, is not elected, or if so, he stays in forever. My limited recollection—

Mr. QUAY. He is elected by popular vote.

Mr. BEVERIDGE. How long does he stay in?

Mr. QUAY. I do not remember, but I think two years. The appointment of the delegates was indorsed in council, which is the legislature.

Mr. BEVERIDGE. Oh, no; not indorsed by the council.

Mr. QUAY. I so understand it.

Mr. BEVERIDGE. But the Senator does not understand it correctly.

These delegates were appointed by the principal chief of the several tribes—

Mr. QUAY. Yes.

Mr. BEVERIDGE (reading):

under the authority of resolutions by their respective councils.

Mr. QUAY. That is the same thing.

Mr. BEVERIDGE. But the Senator said the resolutions were indorsed by the councils. That is quite a different thing. As I understand it, and I confess my limited knowledge upon that question, but we all have more or less information concerning the proceedings of Indians and their chiefs; the chiefs have practically autocratic power. Their power is seldom questioned. They are usually perhaps men of great strength, at least when they were appointed or selected or in whatever way they get the chieftainship. So these resolutions do not represent nor do they purport to represent the expressed will of the Indians as deposited in the ballot box. I call attention to that merely because the Senator said he did not know how they were selected.

Mr. BATE. Mr. President, with the permission of the Senator, I will say that I think they do purport to represent the sentiment of the Indians of those three or four nations (of whom I understand there are 70,000 altogether), with the exception, perhaps, of one other tribe not represented there. The chiefs are the persons who speak for them upon all ordinary occasions, political as well as financial. They are really the heads of the tribes. The Indians are governed by tribal relations. It is an undoubted expression of protest against being interfered with by the Government of the United States so far as their relations are concerned, and they do not desire, at this time at least, to be a State, and they say so.

Further in that proceeding they say that there is an obligation resting upon the Government of the United States, by virtue of a treaty made some years ago, which allows them to remain until 1906 without any interference whatever, and this is an open and flagrant violation of that treaty, and they so assert in that document.

I do not propose to have anything to say now, in the time of the Senator from Minnesota. I think this an improper time to have such a discussion. At a subsequent period in the discussion I may have something to say in regard to the rights of the Indians in this matter, but I will not do so now. I wish only to say that the Indians are the owners of the soil, except that which has been given away, perhaps, for town sites or for railroad purposes; and if the owners of the soil have no right to speak as to whether or not that soil shall be transferred in bulk to the United States upon the application of certain persons, I should like to know who has any equity in this matter.

Mr. BEVERIDGE. The Senator says it is the habit of the chiefs to speak for their tribes. That is precisely the point. They do speak for their tribes. The Indians did not appoint delegates for the tribes, and I was calling attention to that, in answer to the remark of the Senator himself, to show precisely to what extent these resolutions, even on their face, assume to represent the individual opinion of the members of those tribes. The Senator states it with great definiteness when he says it is practically the presentation of the views of the chiefs.

About the propriety of the discussion at this time, I will say that I presented these resolutions, as was very proper, and for which I

have the precedent of the action of the distinguished Senator from Pennsylvania on more than one occasion since this debate began. I rose to make a remark of perhaps two or three sentences, when the Senator from Pennsylvania began to question at some length and with some vigor the weight of these resolutions. Then after that had been discussed, the Senator from Tennessee presented as a sort of an offset or counterclaim the resolutions we have just been talking about. When he had done so, I, again following the precedent of the Senator from Pennsylvania, had a right to and did examine into the exact amount of weight which should be given to them. I did not intend to go into that except as the Senator from time to time drew me out. I rose first to say the first few sentences I did utter concerning this, and then called the Senator's attention to the fact, because he said they did not refer to it, that these resolutions of this great convention held yesterday in Oklahoma City touch the very point which so disturbs the Senator, and to my mind touch it very considerably.

If the Senator will bear with me, and the Senator from Minnesota will consent, I should like to call the Senator's attention to the resolutions. They go on to give the reasons why they are in favor of this measure, which appears to the committee to be both a measure of justice and also of nature, because there are natural boundaries down there. The eighth reason is as follows:

Eighth. Because the work of the Dawes Commission has been so nearly completed as to no longer interfere with immediate statehood; that Commission has concluded treaties with all the Indian tribes providing for the allotment in severalty of their lands, and authorizing the sale of all except the homestead. These allotments will probably be completed by the time a State government can be organized. The lands of the Creek and Seminole nations have all been allotted.

In the Cherokee, Choctaw, and Chickasaw nations the lands have all been surveyed and classified and the work of allotment is now simply clerical and should be completed within twelve months. The mineral and asphalt lands of the Choctaw and Chickasaw nations are to be sold by the Secretary of the Interior, and as soon as sold will of course be taxable. It therefore is beyond controversy that the work of the Dawes Commission no longer interferes with statehood, and that there is abundance of taxable property.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. Will the Senator be kind enough to tell us from what he is reading?

Mr. BEVERIDGE. Yes. I am reading from resolutions adopted yesterday by a—

Mr. BATE. The telegram which has just been read.

Mr. BEVERIDGE. I am reading the resolutions adopted at "a nonpartisan interterritorial statehood convention held in this city" (Oklahoma City).

Mr. TILLMAN. I was temporarily out of the Chamber, and I did not know what it was that the Senator was reading, and he read with such emphasis of authority that I thought I should like to know what it is.

Mr. BEVERIDGE. That is right. The Senator used precisely the proper words descriptive of the way in which I intended to read it—with such weight of authority. These are resolutions, I will state to the Senator, since he was absent, adopted at a meeting held yesterday by a nonpartisan interterritorial statehood convention, participated in—

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. I wish to explain what the resolutions are.

At a nonpartisan interterritorial statehood convention held in this city today, participated in by 2,000 delegates, representing practically every incorporated town and many hamlets in the Indian Territory and 29 of the 23 counties of Oklahoma, the following resolutions were unanimously adopted.

Mr. TILLMAN. Are those Indians or whites?

Mr. BEVERIDGE. The convention, as the dispatches in the morning papers state, and I think they state it correctly, consisted of both. If I remember correctly, there were Indians in the convention. And of course the Senator will admit that if there were Indians in the convention it strengthens the conclusion; but if there were not, and if the reasons which the convention advance for its conclusions are sound reasons it would not make any difference, of course, whether there were Indians there or not. The point of the discussion which occurred when the Senator was out was simply this: The Senator from Tennessee says that we are interfering with the rights of Indians, and the reasons in the resolutions of this convention held yesterday are reasons showing why we are not. That is the point.

Mr. TILLMAN. Right there the Senator can give me some information. I noticed a statement there that all the lands of the Indians were now salable except the homesteads.

Mr. BEVERIDGE. No.

Mr. TILLMAN. There was something along that line, something about the exception of homesteads.

Mr. BEVERIDGE. Yes; that is right, but not at this time. I will read that again.

Mr. TILLMAN. Read that language again, please.

Mr. BEVERIDGE. I will do so:

Because the work of the Dawes Commission has been so nearly completed as to no longer interfere with immediate statehood that Commission has concluded treaties with all the Indian tribes, providing for the allotment in severalty of their lands and authorizing the sale of all except the homestead.

Mr. TILLMAN. Right here I want to know where the Dawes Commission got authority to authorize the sale of Indian lands.

Mr. BEVERIDGE. That question, as I stated to the Senator from South Carolina before, either the junior Senator from Wisconsin, who is a member of the Indian Affairs Committee and has given great study to this question, or the Senator from Minnesota can answer.

Mr. TILLMAN. The Senator from Minnesota who has the floor, I am informed, seems to be very quietly conversing with the Senator from Georgia, and does not seem to be very much interested in this.

Mr. BEVERIDGE. If the Senator will propound his question to the Senator from Minnesota—of course I recognize the humor in the situation, that anybody should converse with anybody else when the Senator from South Carolina is on his feet—

Mr. TILLMAN. But the Senator from Indiana is so interesting I do not see how anybody can fail to pay attention.

Mr. BEVERIDGE. To tell the truth, I do not myself see how they can. [Laughter.] As I say, either one of those Senators can with particularity and technically answer the question.

Mr. TILLMAN. I should be glad to know. It is a fact involved here worthy of our consideration whether or not the rights of the Indians are being protected, or whether it is proposed to violate the faith of the Government in treaties made years ago, when the lands were vested in the Indians and the country was set aside for the Indians, and all that sort of thing, and whether we are going forward in our remorseless scheme of stealing all of the land in the Indian Territory or elsewhere. If the word "steal" is too offensive, I will say or whether we are just going to get them somehow.

Mr. BEVERIDGE. Whether there is to be a continuation of what the Senator seems pleased to designate a policy of theft I do not know.

Mr. TILLMAN. Mr. President—

Mr. BEVERIDGE. I will explain, as I said before, if the Senator will permit me—

Mr. TILLMAN. I will sit down.

Mr. BEVERIDGE. That the Senator from Minnesota, when he reaches that particular stage in the discussion, will enlighten the Senator minutely upon that point. This discussion would not now be up were it not for the question of the Senator from Pennsylvania and the later observation of the Senator from Tennessee made concerning the resolutions of this convention sent to me in the telegram, when I had it read at the desk. I think the Senator is perhaps quite right in saying it seems to him rather an anomalous thing that we should be discussing, in the time of the Senator from Minnesota, the provisions of these resolutions; but the Senator was not here, and out of the deference I always have for the Senator's views as to the orderly proceedings of this body, I will say that this was offered as other telegrams have here been offered. It is a habit, a very commendable habit, I believe first begun by the Senator from Pennsylvania, and we would have passed almost immediately to the discussion of this question by the Senator from Minnesota, who is making a most comprehensive speech upon the subject, but the Senator from Pennsylvania by questions, and later the Senator from Tennessee by questions, raised this discussion.

Now, then, as the Senator from South Carolina understands how we got to the point where we are, I want to read the rest of this, in answer to what the Senator from Tennessee says, because it clears up this question.

Mr. TILLMAN. If the Senator from Indiana will permit me, in the time of the Senator from Minnesota, I should prefer to get light on that topic right now.

Mr. BEVERIDGE. Well, wait until I read—

Mr. TILLMAN. As to how and when and where the Dawes Commission got power to authorize the sale of Indian lands.

Mr. BEVERIDGE. Will not the Senator wait until I read this?

Mr. TILLMAN. Certainly. I want to conform to the wishes of the Senator from Indiana.

Mr. BEVERIDGE. I will say to the Senator from Tennessee that the reasons continue as follows, beginning where I left off reading:

It therefore is beyond controversy that the work of the Dawes Commission no longer interferes with statehood, and that there is abundance of taxable property.

Ninth. Congress can reserve such power over Indian affairs as it desires, and statehood will in no way interfere with the free action of the Interior Department in carrying out all the treaties between the Government and the

several tribes. In this opinion we are supported by a recent holding of Judge Hosea Townsend, of the southern district of the Indian Territory.

There is considerable about that, pertinent, too, but I do not want to take up any more time. I was doing this because the Senator from Tennessee had himself raised this point. The resolutions say:

By act of Congress passed more than three years ago all the Indians in the Indian Territory are made citizens of the United States, and thus their competency for the burdens and duties of statehood, in common with the other inhabitants in that Territory, has been settled.

So we see that the objections which appeared to be so important and, Mr. President, which seemed to my mind, if the premises were correct, also to have weight, seem to be answered by the very resolution itself, which perhaps the Senator did not hear when it was read at the desk.

Mr. BATE. I heard it, but I prefer to answer at the proper time, not in the time of the Senator from Minnesota.

Mr. BEVERIDGE. I will fix that with the Senator from Minnesota.

Mr. BATE. I said that I will not do it now.

Mr. BEVERIDGE. The Senator from Tennessee need not worry about that. I will try to establish the entente cordiale between the Senator from Minnesota and myself, if it has been violated.

Now, Mr. President, I want to say the single sentence which I rose to say at first, over an hour ago, that having the necessary number and the necessary quality of citizens, the inhabitants of a Territory who are thus entitled to admission as a State have a right that their voice should be heard, not necessarily that it would be heeded, because this is the supreme forum. We are the judges, and so made by the Constitution as to the question, but nevertheless their views should be presented. And in what I further say, I venture that I speak for every member of the subcommittee. My friend the Senator from Idaho [Mr. HEITFELD] is not here. Nevertheless, I have no doubt that I speak for him, too, when I say that it was the observation of all of us that such are the views of the great majority of the people of both these Territories.

I thank the Senator from Minnesota very much for his patience and forbearance and long-suffering in this somewhat extended colloquy.

Mr. NELSON. Mr. President, the discussion that has taken place within the last hour or so has covered a branch of this Territorial question, in reference to Oklahoma and Indian Territories and in reference to the admission of the two combined as one State, which I propose to take up after to-day and discuss thoroughly. I propose to show to the Senate exactly what the conditions are in those Territories. I shall show to the Senate what constitutional power we have to act in the premises under the decisions of our courts, what progress has been made in the way of legislation and agreements, what has been done in the way of allotments to the Indians, what are the limitations upon alienation, what property is taxable and not taxable—in short, I propose to cover the whole field that has been slightly referred to in this discussion to-day. I propose this afternoon, if the Senate will bear with me, to finish what I intended to say in reference to New Mexico.

Yesterday I had occasion in my remarks then to go somewhat lengthily into the past history of that country. I did it, Mr. President, for the purpose of showing the peculiar, feeble, and scant progress that had been made in all the years of the past in that country; that although it has been settled for more than three hundred years, yet, as a matter of fact, in that period it has made less progress, and the growth has been less, in population, economically, and industrially, than any other part of our country, with the exception of Arizona.

In the next place, I called the attention of the Senate to the amount of the population and showed that, notwithstanding all that is claimed for New Mexico in the way of population, deducting the Indian population, there would hardly be enough to equal the full ratio for a Representative in Congress. I showed, further, the ethnological make-up and the characteristics and conditions of those people. More than half of them, I think perhaps two-thirds, are Mexicans, Spanish-Mexicans, as distinguished from Americans, and more than half of the people of that Territory speak and use the Spanish language.

The Spanish language is used to a large extent in their legislative assembly, where interpreters have to be used and where the proceedings are published in both languages; and in their courts, unlike the courts of any other portion of our country outside of the courts in Porto Rico and the Philippine Islands, interpreters are used not only to interpret witnesses, which occurs oftentimes in various portions of our country, but also to interpret the argument of counsel to the jury and to interpret the charge of the court to the jury; and further, what is most unique and extraordinary, they even have interpreters to go into jury rooms and interpret in the grand and petit jury room.



I further showed that in their schools in that Territory the Spanish language was taught side by side on an equality with English, and I showed that in some districts of the country Spanish was taught exclusively. I further showed that when you came to proceedings in justices' courts, many of the justices in the country conducted their proceedings in the Spanish language, and their dockets and records were nearly all of them kept in the Spanish language. I may add further to-day another fact which is unique in that country. The ballots that they use at their elections are printed both in the Spanish and the English languages, and further, in their political conventions, nominating and other conventions, they have interpreters to interpret the proceedings and the speeches of those who participate in the proceedings, and throughout the country most of the campaign speeches are made through interpreters. In other words, in the matter of language it is more of a Spanish country than an American country.

I also showed yesterday, Mr. President, the high grade of illiteracy in that Territory and the comparatively limited degree of education as compared with other parts of our country. I showed that in respect to language, in respect to education, in respect to intelligence, and all that goes to make up the leading and prominent characteristics of a self-governing American citizen, the people of that Territory were to a large extent deficient.

To-day, Mr. President, I propose to show to the Senate that in the matter of industrial development, in the matter of economic development, the Territory is, and has been for some time, in a state of paralysis and stagnation. In fact, little progress has been made, and, considering the volume of land within the limits of that Territory, the great number of years the country has been settled, the amount of land subdued and under cultivation, the amount of agriculture and stock raising carried on is limited to an unusual degree. There are many counties in the Northern States, there are many counties in my State and in the States of the Senators from Indiana and Wisconsin, who I see before me, where the agricultural and grazing development is far greater than in the entire Territory of New Mexico.

And what is the trouble, Mr. President? The reason is that grazing and farming in that country is wholly limited by the supply of water and by irrigation. The soil is mostly a desert, sandy, sterile soil. It is only a few of the lower lands in the valleys along some of the streams that can be irrigated. Irrigation in that Territory has long ago reached its limit, and agriculture is to-day at a standstill, as I shall show not only by the statistics, but also by the number of land entries that have been made there on the public lands in the last two years.

Grazing and agriculture, as I said, are limited by irrigation. Not only is agriculture limited by it, but stock raising and grazing as well, for the reason that cattle, even if they find good pasturage, must have that pasturage within 4 or 5 miles of water. Without that supply of water, no matter how abundant the grass may be, stock raising can not exist.

I wish to call the Senate's attention, at the risk of being a little tedious, to some facts in reference to the matter of irrigation, to show how the people in that country have long ago reached the maximum of water supply and water irrigation, and how to-day, as a matter of fact, a great deal of the land that is really under cultivation can not be farmed because of the entire lack of water.

I read from the testimony on page 101, taken by the committee last November. I read from the testimony of Maj. Eugene Van Patten:

Q. How long have you lived here?  
A. I have lived here all my life.  
Q. Are you acquainted with the country districts around here?  
A. Yes, sir.  
Q. What is the occupation of the people?  
A. Farming, cattle raising and sheep raising, and mining.  
Q. Farming is conducted by means of irrigation?  
A. Yes, sir.  
Q. That is, only in the neighborhood of the river?  
A. Yes, sir. Some of them are putting pumps now in the valley, and securing water for irrigation in that way. As long as these streams prove to be what they expect them to be, there will be hundreds of pumps put on the farms in the valley.

In other words, the water supply is deficient in the rivers and in the reservoirs, and they expect to secure it by means of wells and pumps.

I read again, on page 4, from the testimony of Martinez Amador. I am a little slow about pronouncing these Spanish names.

Q. Is your farm all watered regularly?  
A. No, sir; we have been suffering a great deal for water. Since the railroad came here there is so much population above it cuts all our water here. We have been suffering, and we lose our farms, and we lose a good many thousand dollars on that account. I have a good deal of a farm here myself. I got here 300 acres of land and I can not raise nothing on account of water. I lose my orchard, and lose nearly the whole thing.

He states further:

Q. The committee understands that farming can not be done away from the streams?  
A. Well, in this country it is very dry. They won't raise nothing if there

is no water from the river, you know; we can not depend on rains at all; it don't rain here enough.

Now, I read from page 106 the testimony of John J. Vernon, in respect to the Rio Grande River:

Q. Does the river dry up?  
A. It does.  
Q. How many of those wells are there?  
A. I know of four in this vicinity.  
Q. Are they all running like yours?  
A. There are none of them pumping as much water as ours.  
Q. Have you reported it to the Department of Agriculture?  
A. No, sir.  
Q. What time in the year does the river dry?  
A. It generally dries in the middle or latter part of June, and then we may have a short drought or a long one.

I read from the testimony of Mr. L. O. Fullem on page 116. It is very brief on this point:

Q. You do not depend upon rain for your agriculture at all, do you?  
A. Not at all.

Now, I will read from the testimony of Prof. F. H. Newell, of the Geological Survey, which covers the whole point very fully, commencing on page 173 of the testimony:

The CHAIRMAN. Will you state to the committee, in your own way, the situation in the Territory of New Mexico with reference to the question of aridity?

Mr. NEWELL. The Territory is well within the arid region, and agriculture there is dependent almost entirely upon the artificial application of water.

The CHAIRMAN. By the artificial application of water you mean irrigation?

Mr. NEWELL. Yes, sir; irrigation. The principal source of supply is the Rio Grande and its largest tributary, the Pecos River. The United States Geological Survey has been measuring the flow of the Rio Grande where it enters New Mexico and at various points along its course. We have also measured some of its tributaries, and have measured where it leaves the Territory to form the boundary line between Texas and the Republic of Mexico. We have been making studies of the extent to which that water can be used for irrigation purposes in the future.

The CHAIRMAN. Will you state to the committee the extent to which that water is used at present?

Mr. NEWELL. The usual summer supply is entirely employed, and there is now a considerable acreage under cultivation for which there is not a sufficient supply of water at all seasons. The spring flow—the floods—in large part go to waste, and water storage is absolutely essential to the future development of the Territory.

The CHAIRMAN. Does water storage at present exist there?

Mr. NEWELL. There is very little, if any, water storage. There is some on a few of the tributaries of the Rio Grande.

The CHAIRMAN. What would you say about the sufficiency or insufficiency of the water in the Rio Grande for irrigation purposes by means of canals? I will state that the committee, on its recent trip, went along for a considerable distance and observed an absence of water there. That is the reason I ask the question.

Mr. NEWELL. There are very few canals of any considerable size on the Rio Grande. Most of them are small ditches built by the Indians or Mexicans, and the supply is not sufficient for all the irrigated lands in the latter part of the crop season. The river is frequently dry from the international boundary north. That is the normal condition of the Territory. The future development of the region rests upon the feasibility of constructing reservoirs along the Rio Grande, and especially in the northern part of the Territory.

The CHAIRMAN. I believe you said the other portion of the Territory where there was water was the Pecos, did you not?

Mr. NEWELL. The Pecos is the principal stream of eastern New Mexico.

The CHAIRMAN. Will you state the supply of that stream, and the availability of its water for irrigation, the character of the water, and other scientific facts which will enlighten the committee?

Mr. NEWELL. The Pecos drains an area of what is generally known as red beds, in which there is a good deal of gypsum, which is easily soluble in river water. The river itself is controlled by storage reservoirs. There is one at Lake McMillan, about 12 miles above Roswell, and a secondary one at Lake Avalon, nearer Roswell. Below that it receives water from springs, from the Hondo and a number of other rivers, and the flow is increased. It is nearly all utilized in the canals between Roswell and Carlsbad. Below Carlsbad little water is taken from the river usually, the portion utilized being that taken out by the canals at Pecos City, south of the Territorial line in Texas.

The CHAIRMAN. You speak of gypsum. Please state to the committee what its effect is—whether it is a fertilizer or the reverse. What effect does gypsum have upon the soil over which it is distributed by the flow of the Pecos River?

Mr. NEWELL. Gypsum is frequently known as a land plaster and is used in the East as a fertilizer. It is beneficial up to a certain point, but above that point it becomes destructive to crops. The soils of Pecos Valley contain the gypsum in small quantities. As it increases in percentage it becomes concentrated and injurious. I have seen in the past month a great many acres of orchard land and hundreds of acres of alfalfa land that had been destroyed by what is locally called the "gyp" deposit.

The CHAIRMAN. You have entered generally into the two tracts where there is a possibility of irrigation from streams. I will ask you to state to the committee whether there is any possibility of agriculture in any other portion of the Territory on account of the lack of water.

#### MORE AGRICULTURE POSSIBLE.

Mr. NEWELL. The extreme northwestern portion along the San Juan River has a fairly good water supply, and there they raise, near Farmington, very valuable fruits; but the area of agricultural land is restricted. Outside of that area and a few other localities where springs and streams exist agriculture is impossible.

He states further concerning vacant public lands, and he showed a map to the committee indicating the character of the country:

Mr. NEWELL. The vacant public lands, shown in white, can not support any industry beyond grazing, excepting in the timbered portions. Some timber lands belong to the Government still, but the remaining area is composed of grazing lands and is not capable of further development.

The CHAIRMAN. With reference to grazing lands, a great deal of testimony was given before the committee to the effect that grazing was possible for cattle up to a limit of 5 miles on either side of a water course or water

hole. In this white area on this map it does not appear that there are any streams or water courses. Is that the case?

Mr. NEWELL. The grazing there will support a cow to 10, 20, or 30 acres provided water can be had within a radius of about 5 miles. That is a fair journey for a cow.

The CHAIRMAN. You have already described the available water sources of the Territory in answer to former questions?

Mr. NEWELL. Yes.

Here is a further question:

The CHAIRMAN. A question is suggested to me, which seems to be very pertinent. You have described the limit of the irrigation area. Could you roughly state the proportion that that irrigation area bears to the whole area of the Territory?

Mr. NEWELL. I do not recall the exact figures. They are published in a report prepared for the Twelfth Census. It is my impression that about one-fourth of 1 per cent of the area of the Territory is irrigated. [Total area of Territory, 78,374,400 acres; amount irrigated in 1889 was 203,893 acres, or .26 per cent.]

Senator NELSON. That is the percentage that is irrigated?

Mr. NEWELL. Yes, sir.

Senator NELSON. Let me ask this: They have practically irrigated all that it is possible to irrigate under present conditions?

Mr. NEWELL. Yes, sir; without water storage.

Senator NELSON. Without storage?

Mr. NEWELL. Yes.

Now, on the question of irrigation and water supply, I beg leave to quote from the annual report made by Governor Otero to the Secretary of the Interior last June. This is what Governor Otero says:

From the southern boundary of New Mexico up to a point about 30 miles north of Albuquerque the water of the Rio Grande now regularly disappears every summer, and for at least two months the bed of the stream is absolutely dry, except in years of unusual rainfall. This stream is the only available source of supply for irrigation water throughout the greater part of the district named, and since that part of the year during which the river is dry is the time when more water is needed for irrigation than at any other season or all other seasons the disappearing of the stream at that time is peculiarly unfortunate for all the people living in the district named, which is the most thickly settled portion of the Territory.

This "summer dry spell," which is now a regular occurrence, is the result of conditions that have grown up during the last twenty-five years, chief among which may be mentioned the denudation of the timber lands of the Colorado mountains, among which the river takes its rise, and the construction of great irrigation canals in the State of Colorado, taking their waters from the stream before it enters this Territory. Each of these two principal causes, it will readily be seen, exercises a very powerful influence to the end of diminishing the regular summer flow of the stream, and since both occur within the limits of a neighboring State, it is beyond the power of the people of New Mexico to prevent or modify them.

There you have a statement showing the condition as to irrigation and the water supply in the Rio Grande Valley, which includes most of the irrigated area of the country. This shows that there is a scarcity of water and that the scarcity of water arises from causes beyond the border of the Territory and causes which can not be remedied—the cutting of timber and the construction of dams in Colorado.

I want to read further in this connection and on this point from the report of Mr. Vernon, the agriculturist of the experiment station. After reciting the great area to be irrigated, he says:

However, areas where water is abundant throughout the cropping season are comparatively limited. The greater portion of the agricultural sections now under irrigation suffers not infrequently from shortage of water or a complete drying up of the river at some time during the growing period, which results in a partial, if not a total, loss of the crops. This, of course, is a serious matter and one that is continually demanding attention.

#### WHY A SHORTAGE OF WATER?

It is a fact well recognized among irrigation engineers and foresters that the cutting away of forests along the headwaters and tributaries of streams greatly augments floods by the rapid melting of the winter snows in the springtime, with a relative diminution of flow later in the season, since the snow has already passed off in torrents. Under forest conditions the snow melts slowly, percolating into the soil, and later finding its way into the streams, thus preventing floods and lengthening the period of flow.

#### REMEDY.

He now comes to the remedy:

The only practical remedy that seems to present itself, other than pumping from the underflow, is that of impounding the waters in one or a series of reservoirs, the water later to be liberated as needed, thus reestablishing an average normal flow throughout the cropping season.

Now, he comes to a point that is material, and which seems to me ought to be given consideration:

Under the recent act of Congress creating funds from the sale of public lands, to be used for irrigation and reclamation purposes in the several arid or semiarid States and Territories, reservoir systems, no doubt, will be established and maintained at suitable points in New Mexico. In view of the pressing needs of the farmers of this Territory, because of the partial or total loss of crops in frequent droughty seasons, the time when these reservoirs are to be established should be hastened with all possible expedition.

In this connection I beg leave to state that in view of the fact that Congress has recently passed this legislation, it ought to be given an opportunity to accomplish the results intended. It will take some years to establish a system of irrigation under the law we passed at the last session of Congress, but until that system is established the country will be in a dormant and comatose condition. If we admit New Mexico to-day, instead of waiting for the Federal Government to develop that system of irrigation at the expense of the Federal Government or through the proceeds of the sales of public lands, I have no doubt that through promoters and stock jobbers those people will rush headlong into irrigation schemes for the sake of hurrying it up and incur a great

multitude of debts. I want to say further that, notwithstanding the Federal Government has given those people great help, yet they have nevertheless not availed themselves of it. I read from the report of the Commissioner of Irrigation of August 5, 1902, to the Governor of the Territory:

#### COMMISSION OF IRRIGATION.

SANTA FE, N. MEX., August 5, 1902.

SIR: In compliance with your request for a full report on the business transactions of the commission of irrigation for the fiscal year ending June 30, 1902, this commission has the honor to submit the following report:

Under the act of Congress entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," approved June 21, 1898, there was granted to the Territory among other lands, "for the establishment of permanent water reservoirs for irrigating purposes, 500,000 acres of land; and for the improvement of the Rio Grande in New Mexico, and the increasing of the surface flow of water in the bed of said river, 100,000 acres." Under the same act there was "appropriated from the unexpended funds in the Treasury of the United States \$10,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the purposes of paying the expenses of the selection and segregation of said respective bodies of land." \* \* \* This appropriation and any additional appropriation for like purpose that may have been made have been exhausted.

The powers and duties of the commission of irrigation are defined under section 15 of chapter 69 of the session laws of 1901 of the Territory, and in regard to such duties it is provided, among other duties under that section, as follows:

"It shall be the duty of said commission to investigate and select the most suitable sites for permanent reservoirs for irrigation purposes and for the improvement of the Rio Grande, and also to designate such tracts of public land capable of irrigation from such reservoirs as it would, in their judgment, be advisable to locate and select for the Territory under said act of Congress in order to secure the benefit of the enhanced value of the lands resulting from the establishment and construction of such reservoirs, for which purpose said commission may employ all necessary expert assistants."

The Territorial act above referred to contemplated that funds to defray the expenses of the commission of irrigation, and for the employment of "all necessary assistants" to "investigate and select the most suitable sites for permanent reservoirs for irrigation purposes," would be derived from the sales of the 500,000 and additional 100,000 acres of land granted for such purpose, but unfortunately no appropriation whatever was made in anticipation of such sales, and therefore, for want of funds, it has been impossible for this commission thus far to comply with its duties as defined above.

This report goes to show that Congress has given them a land grant of 600,000 acres for the purposes of irrigation, but they have not utilized it. In addition to that, Congress has made them an appropriation of \$10,000 for the purpose of segregating and selecting that land from the other public lands of the Territory, and yet, notwithstanding these facts, it does not seem that they have at all availed themselves of the benefits and privileges thus conferred upon them.

With that land grant which we have thus given them, and under the provisions of the irrigation act passed at the last session of Congress, reasonable and even abundant opportunities will be given to the people of New Mexico to develop their agricultural resources as fast as they can well be developed by irrigation, and to develop them without incurring any indebtedness or taxing themselves—developing them gradually, logically, and in an inexpensive manner, in such a manner that the lands which are irrigated may be cultivated, because there is an abundance of water.

Another fact which shows the feeble condition of the agricultural and grazing interests of the country appears in the statistics of the last census in respect to the land that is in farms, and the proportion of those farms that are under cultivation. The census shows that in 1900 the total number of farms was 12,311; the total acreage in farms was 5,130,878, of which only 326,873 were considered as improved and under cultivation, or only forty-one one-hundredths of 1 per cent of the area of the Territory, scarcely more than an acre a year for every year that has elapsed since Juan Onate first settled and colonized that Territory in 1598.

I have here, Mr. President, a curious and interesting table, and therefore I ask leave of the Senate to read it.

In 1900 there were 10,893 white farmers with an acreage of 5,049,808.

Mr. BEVERIDGE. The Senator is now speaking of New Mexico?

Mr. NELSON. I am speaking of New Mexico. There were only 303,074 acres of those farms under cultivation—a little over 6 per cent. There were 14 negro farmers in the Territory, who had 18,578 acres in their farms, with 235 acres under cultivation, or 1 $\frac{3}{8}$  per cent of the aggregate of their farms. There were 1,401 Indian farmers, with 62,472 acres in their farms, and 23,544 acres under cultivation, or a percentage of 37 $\frac{7}{8}$  per cent—a much greater percentage than that of the white farmers in that Territory under cultivation.

But the most remarkable fact is in respect to the Chinamen. There were three Chinese farmers in the Territory. The total of their farms amounted to 20 acres, and the whole 20 acres were under cultivation. [Laughter.]

The total number of farms in the Territory, as I have said, was 12,311, the total acreage 5,130,878, and the total number of acres under cultivation 326,873. In other words, the total percentage



of improved acreage was but 6.3 of the farms of the Territory and only forty-one one-hundredths of 1 per cent of the total area of the Territory.

Mr. BEVERIDGE. How many farms were there?

Mr. NELSON. There were 12,311.

Mr. BEVERIDGE. How many farmers?

Mr. NELSON. There were 12,311 farms, and those farms contained an acreage of 5,130,878 in the aggregate, and of those only 326,873 acres were really under cultivation.

Mr. BEVERIDGE. I understood the Senator to designate the number of farms, having before enumerated a certain number of farmers, which showed the number of farms was in excess of the number of farmers, which is quite true.

Further, since I am on that point, has the Senator adverted to the point, or will he advert to the fact, that these farms include not only land under cultivation but grazing land?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. And further, that Professor Newell's testimony shows that as to a large number of farms in the northeast portion of the Territory, which he visited, the water holes were dry.

Mr. NELSON. These 326,873 acres, which are represented as being the total improved acreage in the farms, include not only land that is cropped, but include grazing lands, as I understand, that are utilized in connection with the farms.

Mr. BEVERIDGE. And which could not properly be called farms.

Mr. NELSON. No. In this connection, to show how feeble agriculture is in that country, as well as the mining industry, I beg leave to call attention to the number of people engaged in these industries, which, in connection with the number of farms and the area under cultivation, affords us a key to the agricultural and grazing development of the Territory.

According to the census of 1900 there were 7,463 agricultural laborers and 10,556 people classed as farmers, overseers, and planters, or a total agricultural male population of 18,019.

Coming to stock raising, we find that the number of stock raisers was 2,437, and the number of herders and drovers 5,340, or an aggregate of only 7,777 engaged in stock raising.

In this connection, and before I leave the subject, I will call attention to the scant number of people engaged in the mining industry, for which so much is claimed for New Mexico. The number of persons engaged in coal mining was 1,129; in gold and silver mining, only 552; in mining not specified—and that is chiefly copper—2,326; and in quarrying stone, 12; or a total of 4,019 of the aggregate population engaged in the mining industry.

From these statistics, to which I have called the attention of the Senate, it is evident that agriculture and stock raising have reached their limits; that, owing to the lack of water, these industries are in a dormant state, and no further progress can be made for a long time, until the plan outlined and provided for by the Federal Government in the act which we passed at the last session of Congress has been put into operation in that Territory; and that, Mr. President, is a work of years. To increase the water supply and to increase the area of irrigation is a work that will take years and involve the expenditure of thousands. While that work is required to be done it is far better for the people of the Territory of New Mexico to remain, for their own good, in a Territorial condition, rather than to be swamped under statehood, through the schemes and plans of promoters, stockjobbers, and schemers who will come with specious plans for irrigation and will want bonds issued for their schemes.

That I am correct, Mr. President, in my contention and assumption that agriculture and stock raising have about reached their limits in that country and are in a stagnant condition also appears from the limited amount of land entries made in that country within the last two years. The total area of the land in the Territory of New Mexico is 78,428,800 acres. Out of that amount there has been appropriated, purchased, or sold, including the old Spanish grants, 16,886,503 acres, leaving a balance of unappropriated public lands of the United States of 61,542,297 acres. Out of that volume of land there was entered and acquired from the United States in the year 1901 through the homestead, desert-land, and all other public land laws only 773,664 acres; and in the following year, 1902, only 443,507 acres, or a total of only 1,217,171 acres out of all that body of public lands in the space of two years. This is only 19.2 per cent of all the land that was entered in the smaller Territory of Oklahoma during the same period.

In connection with these figures in reference to land entries, there is another fact which shows that the contention on the part of the advocates of the admission of New Mexico that it has been growing in population is not well founded, and that is that these figures show that there were 330,157 acres less of public lands entered in that Territory in 1902 than in 1901. If that country was growing as rapidly as some of the New Mexican advocates contend, if there was such a boom and such an increase in popula-

tion, why should a paltry amount of only 443,507 acres of public land be entered in the Territory in the year 1902?

Compare that with the land entries in any of the great progressive Western States, where they have public lands in abundance. As a matter of fact, the entries of public land in the Territories of Arizona and New Mexico in the year 1902 were practically equal in amount, there being only a little difference of 5,068 acres in favor of Arizona. There were less of the public lands of the United States entered in New Mexico in the year 1902 than in Arizona.

These facts, Mr. President, indicate too clearly the very dormant and stagnant condition of the agricultural and stock-raising industries of New Mexico. The truth is that the lands lying on the Rio Grande, the Pecos, and the Canadian Rivers, their tributaries, and the other smaller streams available for irrigation of farming lands have long ago been appropriated and exhausted, largely under the old Spanish Mexican grants, and there is to-day little, if any, land suitable for irrigation and farming and stock raising in New Mexico.

To some extent perhaps stock raising can be enlarged if a water supply for the stock can be obtained, but that is one of the great problems of the future, tedious and expensive of solution.

The table which I have already quoted shows, out of a population of 195,810, that 7,777 people of all classes are engaged in stock raising and 18,019 in farming. If we deduct from this the Pueblo Indians, numbering 8,000, who are engaged in farming and stock raising on a small scale, the number of whites engaged in this industry is much more limited than the figures quoted indicate. All these facts show how feeble and dormant the agricultural conditions of New Mexico are to-day and have been for years past.

In this connection I might say that after the adjournment last evening I was favored with a large bundle, which would fill a small basket, of pamphlets and documents, under the frank of the Delegate from New Mexico, exploiting the resources of the various counties, the summer resorts, the population, and all that. I have no doubt those documents are very interesting, but I prefer in this argument to adhere to the terra firma of solid facts developed by the testimony taken by the committee, and facts appearing from the official census statistics of the country, rather than to depend upon these pamphlets issued to boom certain localities and towns in that country.

Aside from stock raising, the only other industry of any consequence in that Territory is the mining industry. We hear a great deal about how immense this industry is, and how extensive it is, and yet, when we come to look at the cold figures, we find it is very limited indeed.

The production of gold in 1901 in the Territory of New Mexico was only \$832,900—less than a million—and that was only about 1 per cent of the aggregate gold production of the United States for that period. The production of silver during the same year was 563,400 fine ounces, or a little over 1 per cent of the entire production of our country. The production of copper in 1901 was 9,629,884 pounds, or 1.59 per cent of the product of the entire country.

Here is a table of comparison with some of the other States:

New Mexico, gold .....	\$832,900
Colorado, gold .....	27,693,500
California, gold .....	16,891,400
Alaska, gold .....	6,885,700

Coming to silver, we find the production in New Mexico for 1901 was only 563,400 ounces, a little over 1 per cent of the aggregate production of the country. Now, let us compare that with some of the silver-producing States. Here is the table:

	Fine ounces.
Colorado .....	18,437,800
Montana .....	13,131,700
Utah .....	10,760,800
Idaho .....	5,542,900

In other words, New Mexico produced but a little more than one-tenth of the silver produced in the State of Idaho in that year.

Now I come to the matter of copper. While perhaps that is the greatest mining industry of the Territory, yet compared with the other copper regions we find how slight it is even in comparison with Arizona. New Mexico's production of copper in 1901 was 9,629,884 pounds. Arizona during that period produced 130,778,611 pounds Montana, 229,870,415 pounds, and the Lake Superior region, including Michigan, 156,289,481 pounds. In fact, the production of copper, which is the greatest mineral production of New Mexico, during that year was only 1.59 per cent of the entire copper production of the country.

I have already called attention—but I will repeat it in this connection—to the number of men engaged in these mining industries. Four thousand and nineteen men in the aggregate were engaged in the mining industries of New Mexico.

This shows that when you consider the agricultural resources and their development, the grazing and stock-raising resources

and their development, and even the mining industries and their development. New Mexico is in a very backward and embryonic state, and far from being possessed of the qualities of statehood that its friends have contended for and will contend for in this Senate.

There is another mining industry to which I want to call attention in this connection, because I desire to cover the ground and do full justice to the Territory of New Mexico. The other mining industry is the production of bituminous coal. The production of bituminous coal in 1901 in the Territory of New Mexico was only 1,086,546 short tons, or forty-eight one-hundredths of 1 per cent of the entire product of the country. Let me compare these figures with the production of the other bituminous coal-producing States.

	Short tons.
New Mexico	1,086,546
Pennsylvania	82,305,948
Illinois	27,331,552
West Virginia	24,063,402
Ohio	20,943,807

Comparing the coal-mining industry of New Mexico with the output of the coal mines in the coal-producing States, we see how slight and feeble is even the coal industry in the Territory of New Mexico.

So, Mr. President, if you consider the production of gold, the production of silver, the production of copper, and the production of coal, taking all these mineral resources combined, which cover the whole industrial field in that direction, you see of what a limited character it is and how slightly developed the country has been in that direction.

I refer to these matters in the light of the fact that New Mexico is one of the oldest settled portions of America, and that, further, for more than fifty-three years the people of New Mexico have enjoyed all the benefits and advantages of as good a Territorial government as we have had in any of our Territories in the Northwest. There has been no political strait-jacket. There has been no political or legislative restraint. They have had as great opportunity to expand and grow economically, industrially, ethnologically, in intelligence, and in all that pertains to American citizenship as have had the people of any of the other Territories of this country.

The educational development of New Mexico has been slow and tardy as compared with other portions of our country, and it is still, as I have already shown in the remarks I made yesterday, way below the average of the country, and Spanish rather than English is still the fundamental language of the people. They are still, Mr. President, to a large extent un-American in language, in energy, in aptitude for self-government, and in all those great fundamental elements that are the pride of American citizenship.

In the matter of population and material development Porto Rico is far better qualified to-day for American statehood than is New Mexico. There are a million of thrifty, industrious, law-abiding people in Porto Rico. They are to-day, and have been since we established an organized government there, availing themselves with greater zeal and greater avidity of the American educational facilities given them than did the New Mexicans prior to 1888, and yet in spite of these facts no one would now or for many years to come be likely seriously to insist upon statehood for Porto Rico.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I interrupt the Senator simply to make a suggestion, that if New Mexico should be admitted in her present condition, what answer could we give if Porto Rico should apply for admission except to admit her?

Mr. NELSON. We could not give any other answer. The only difference between the two is the fact that there are a few more Americans to-day in New Mexico than there are in Porto Rico; but the make-up of the population of Porto Rico, with respect to its industrial characteristics and intelligence, as a whole is on an equality and footing with the bulk of the population of New Mexico.

Mr. BEVERIDGE. And there are a million of them.

Mr. NELSON. They are as law abiding and loyal to the American flag and the interests of our country as are the people of New Mexico, and to my mind every inch as much fitted for self-government as the people of New Mexico. They are eager to attend our American schools there. We have been and are teaching the English language there, and the little Porto Ricans are as eager to avail themselves of those facilities to learn the English language as are the children in our own midst; and yet the facts are in the case of New Mexico that from 1846, the time General Kearny and Colonel Doniphan entered that Territory, down to 1888 they made no effort to secure a system of public education and they grew up in comparative igno-

rance. It has only been within later years, notwithstanding all the privileges and opportunities we have given them, that they have in a measure availed themselves of the advantages of public schools and popular education.

Homogeneousness in language and in fitness for self-government is one of the fundamental elements and essentials of the American Union. It is that more than anything else which has made self-government a success. We have grafted many stems on the original Anglo-Saxon stock, but have never permitted the stems to outgrow the original stock or to change the fruit. This homogeneousness we must adhere to and maintain under all circumstances. To admit a Territory into statehood in violation of this principle would be a most mischievous and dangerous experiment. In justice to the States already in the Union, no Territory should be admitted into the fellowship of States that is not possessed of full American homogeneousness in language, and in qualifications, by training and education, for all that makes up the duties of a self-governing American citizen.

The original fundamental ethnological make-up which still preponderates, the character of the industrial and material and intellectual development which has taken place, the whole history of the past, and the present conditions all go to show that New Mexico is deficient in all those essential conditions so vital to the success of the American Union. Some progress, I admit, has been made in recent years; more is likely to be made in the years to come; but the education and training are far from complete, and therefore for the ultimate good of the people of the Territory, for the good of the whole Union, New Mexico should for some years to come remain in preparation, training, and development for statehood and for full fellowship in the American Union. The delay will be a benefit to the people, and no one will suffer or have any cause to complain except a few active politicians and zealous promoters, who will, no doubt, be disappointed, but whose disappointment, Mr. President, ought not to blind us to our whole duty in this important matter.

I have now, Mr. President, said substantially all that I intend to say on the subject of New Mexico, and I would prefer to stop for the present and take up the matter of Oklahoma and the Indian Territory in the morning.

NANNIE M. KIMBERLY.

The PRESIDENT pro tempore laid before the Senate the bill (S. 3708) granting a pension to Nannie M. Kimberly, returned by the House of Representatives in compliance with the request of the Senate.

Mr. LODGE. As a House bill on the same subject has passed the Senate, I move that the vote by which the bill was passed be reconsidered, and that the bill be indefinitely postponed.

The motion was agreed to.

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 8, 1903, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 7, 1903.*

##### APPOINTMENT IN THE ARMY.

###### General officer.

Lieut. Col. John A. Johnston, assistant adjutant-general, to be brigadier-general, January 6, 1903, vice Hasbrouck, retired from active service.

###### SURVEYOR OF CUSTOMS.

Marcellus O. Markham, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia, to succeed Christopher C. Wimbish, whose term of office has expired by limitation.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 7, 1903.*

##### ASSISTANT SECRETARY OF STATE.

Francis B. Loomis, of Ohio, now envoy extraordinary and minister plenipotentiary to Portugal, to be Assistant Secretary of State.

##### ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

David J. Hill, of New York, now Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to Switzerland.

Charles Page Bryan, of Illinois, now envoy extraordinary and minister plenipotentiary to Switzerland, to be envoy extraordinary and minister plenipotentiary of the United States to Portugal.



## CONSUL.

William R. Estes, of Minnesota, to be consul of the United States at Antigua, West Indies.

## SURVEYOR OF CUSTOMS.

Joseph W. Dillin, of Tennessee, to be surveyor of customs for the port of Nashville, in the State of Tennessee.

POSTMASTERS.  
CALIFORNIA.

Wilson Hays, to be postmaster at Colton, in the county of San Bernardino and State of California.

Crispin C. Ortega, to be postmaster at Sonora, in the county of Tuolumne and State of California.

## CONNECTICUT.

Eugene H. Merriman, to be postmaster at East Hartford, in the county of Hartford and State of Connecticut.

## ILLINOIS.

George Y. Downing, to be postmaster at Camp Point, in the county of Adams and State of Illinois.

Thomas H. White, to be postmaster at National Stock Yards, in the county of St. Clair and State of Illinois.

## INDIANA.

Elvet B. Rhodes, to be postmaster at West Baden, in the county of Orange and State of Indiana.

Amanda Sullivan, to be postmaster at Garrett, in the county of De Kalb and State of Indiana.

Laron E. Street, to be postmaster at Brookston, in the county of White and State of Indiana.

Henry Whitecotton, to be postmaster at Vanburen, in the county of Grant and State of Indiana.

W. H. Hart, to be postmaster at Huntington, in the county of Huntington and State of Indiana.

## IOWA.

William R. Boyd, to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa.

Alfred C. Harris, to be postmaster at Eldora, in the county of Hardin and State of Iowa.

Henry D. Overholt, to be postmaster at Iowa City, in the county of Johnson and State of Iowa.

William H. Needham, to be postmaster at Sigourney, in the county of Keokuk and State of Iowa.

William R. Orchard, to be postmaster at Glidden, in the county of Carroll and State of Iowa.

J. W. Foster, to be postmaster at Humboldt, in the county of Humboldt and State of Iowa.

Isaac Hossler, to be postmaster at Battle Creek, in the county of Ida and State of Iowa.

Arthur S. Colby, to be postmaster at Hawarden, in the county of Sioux and State of Iowa.

Spencer H. Carr, to be postmaster at Ireton, in the county of Sioux and State of Iowa.

Edwin M. Parker, to be postmaster at Newell, in the county of Buena Vista and State of Iowa.

Moses D. Mosier, to be postmaster at Remsen, in the county of Plymouth and State of Iowa.

Thomas J. Hoffman, to be postmaster at Vail, in the county of Crawford and State of Iowa.

W. F. Laidley, to be postmaster at Bancroft, in the county of Kossuth and State of Iowa.

Nettie J. Dill, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa.

E. P. Dalander, to be postmaster at Madrid, in the county of Boone and State of Iowa.

## MAINE.

John M. Oak, to be postmaster at Bangor, in the county of Penobscot and State of Maine.

## MASSACHUSETTS.

John Huxtable, to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts.

Frederick E. Pierce, to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts.

John W. Fairbanks, to be postmaster at Westboro, in the county of Worcester and State of Massachusetts.

## NEW YORK.

John Raines, jr., to be postmaster at Canandaigua, in the county of Ontario and State of New York.

Lucius A. Waldo, to be postmaster at Canisteo, in the county of Steuben and State of New York.

George Anderson, to be postmaster at Castleton, in the county of Rensselaer and State of New York.

Andrew S. Brown, to be postmaster at Cortland, in the county of Cortland and State of New York.

Henry P. Mitchell, to be postmaster at De Ruyter, in the county of Madison and State of New York.

Sidney B. Cloyes, to be postmaster at Earlville, in the county of Madison and State of New York.

Arthur H. Goldsmith, to be postmaster at Floral Park, in the county of Nassau and State of New York.

Cyrus Durey, to be postmaster at Johnstown, in the county of Fulton and State of New York.

E. W. Cushman, to be postmaster at Hamilton, in the county of Madison and State of New York.

George B. Helmle, to be postmaster at Nyack, in the county of Rockland and State of New York.

Hiram W. Vedder, to be postmaster at Waterford, in the county of Saratoga and State of New York.

Judson Field, to be postmaster at Canastota, in the county of Madison and State of New York.

John O. Thibault, to be postmaster at Clayton, in the county of Jefferson and State of New York.

William T. Bailey, to be postmaster at Pleasantville Station, in the county of Westchester and State of New York.

Carlton D. Wing, to be postmaster at Attica, in the county of Wyoming and State of New York.

Paul R. Clark, to be postmaster at Auburn, in the county of Cayuga and State of New York.

E. Eugene Sprague, to be postmaster at Carmel, in the county of Putnam and State of New York.

Albert S. Potts, to be postmaster at Cooperstown, in the county of Otsego and State of New York.

Harrison Beecher, to be postmaster at Monticello, in the county of Sullivan and State of New York.

Richard P. Groat, to be postmaster at Newark, in the county of Wayne and State of New York.

Benson C. Smith, to be postmaster at Port Byron, in the county of Cayuga and State of New York.

Matthew Taylor, to be postmaster at Schenectady, in the county of Schenectady and State of New York.

George D. Genuing, to be postmaster at Waverly, in the county of Tioga and State of New York.

## OREGON.

Marshall E. Merwin, to be postmaster at Independence, in the county of Polk and State of Oregon.

Louis A. Githens, to be postmaster at Athena, in the county of Umatilla and State of Oregon.

Henry Procter, to be postmaster at Elgin, in the county of Union and State of Oregon.

Fletcher E. Wilcox, to be postmaster at Milton, in the county of Umatilla and State of Oregon.

## SOUTH CAROLINA.

George D. Shore, to be postmaster at Sumter, in the county of Sumter and State of South Carolina.

## WASHINGTON.

Roderick R. Harding, to be postmaster at Port Angeles, in the county of Clallam and State of Washington.

## WISCONSIN.

J. F. Fuller, to be postmaster at Cumberland, in the county of Barron and State of Wisconsin.

Arthur P. Cheek, to be postmaster at Baraboo, in the county of Sauk and State of Wisconsin.

Alfred B. Kildow, to be postmaster at Brodhead, in the county of Green and State of Wisconsin.

William A. Mayhew, to be postmaster at Clinton, in the county of Rock and State of Wisconsin.

Egbert Marks, to be postmaster at Menominee, in the county of Dunn and State of Wisconsin.

Charles E. Raught, to be postmaster at South Kaukauna, in the county of Outagamie and State of Wisconsin.

John W. Bell, to be postmaster at Chetek, in the county of Barron and State of Wisconsin.

Ole Erickson, to be postmaster at Grantsburg, in the county of Burnett and State of Wisconsin.

John Vilberg, to be postmaster at Mount Horeb, in the county of Dane and State of Wisconsin.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 7, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## PHILIPPINE CONSTABULARY.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes, be made the special order for to-morrow immediately after the reading of the Journal.

THE SPEAKER. The gentleman from Wisconsin [Mr. COOPER], chairman of the Committee on Insular Affairs, asks unanimous

consent that the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes, be made the special order for to-morrow immediately after the approval of the Journal. Is there objection?

Mr. MADDIX. Mr. Speaker, reserving the right to object, I want to ask a few questions.

I should like to ask the gentleman from Wisconsin if he had an agreement with the gentleman from Virginia [Mr. JONES] about this matter?

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Virginia [Mr. JONES] saw me yesterday afternoon and said that he did not wish the bill to come up to-day, inasmuch as he had important business in Baltimore and could not be here. I then suggested to him that I would ask that the bill be taken up to-morrow, and he said that he personally would not object to that.

Mr. MADDIX. Are we to have any discussion on this bill; and if so, how long?

Mr. COOPER of Wisconsin. So far as I am concerned, there may be as long discussion as the House is willing to submit to.

Mr. MADDIX. I think we ought to have some understanding about it now.

Mr. COOPER of Wisconsin. How much time does the gentleman desire?

Mr. MADDIX. Really, I have not consulted with my colleagues on the committee. I do not know how long; but we ought to have a reasonable time.

Mr. COOPER of Wisconsin. We can fix the time to-morrow, or I will suggest an hour on a side, or, if the gentleman thinks it sufficient, half an hour on a side.

Mr. MADDIX. I should say an hour on a side. As far as I am individually concerned, fifteen minutes will do me; but I do not know what my colleagues on the committee and other members on this side of the House want.

The SPEAKER. Does the gentleman from Wisconsin modify his request in accordance with the suggestion?

Mr. COOPER of Wisconsin. I do.

The SPEAKER. The request now is—

Mr. HULL. Mr. Speaker—

The SPEAKER. The Chair will first state the proposition before the House. The request of the gentleman from Wisconsin [Mr. COOPER] is that this bill be made the special order for to-morrow, and that one hour's debate on a side be agreed upon.

Mr. HULL. Now, Mr. Speaker, I want to ask the gentleman if he will not further modify it so that the bill may then be read by sections and be open to amendment under the five-minute rule; because, Mr. Speaker, there are some parts of this bill that the gentleman's committee has no jurisdiction of, and that to my mind are bad legislative propositions.

Mr. GROSVENOR. I will suggest to the gentleman that that opportunity will be afforded under the order.

Mr. RICHARDSON of Tennessee. It seems to me that a bill of this importance ought to be considered in Committee of the Whole. I will ask if it is not there now?

The SPEAKER. The bill is now in Committee of the Whole, but possibly this unanimous consent might cut it out of that committee, unless it is understood by the House. What does the gentleman from Wisconsin say in regard to the suggestion of the gentleman from Iowa [Mr. HULL] and the gentleman from Tennessee [Mr. RICHARDSON]?

Mr. COOPER of Wisconsin. I could not hear what the gentleman from Tennessee said.

The SPEAKER. It was in the same line with the suggestion of the gentleman from Iowa [Mr. HULL] that the bill ought to be considered in Committee of the Whole House on the state of the Union. Does the gentleman modify his request accordingly?

Mr. COOPER of Wisconsin. I have no objection to that, although I do not think it is necessary.

The SPEAKER. Then the request is as just stated by the Chair, with the addition that the bill is to be considered in the Committee of the Whole House on the state of the Union. Is there objection to the request as thus modified?

Mr. PAYNE. And general debate to be limited to two hours, an hour on a side.

The SPEAKER. The gentleman from New York suggests that debate be limited to two hours.

Mr. PAYNE. That has already been agreed to.

The SPEAKER. The Chair thinks that was a part of the proposition of the gentleman from Wisconsin.

Mr. PAYNE. It was, and that is the reason I called attention to it.

The SPEAKER. Is there objection?

Mr. MAHON. Mr. Speaker, I desire to have Friday excepted from the motion.

The SPEAKER. The request is for to-morrow.

Mr. MAHON. Then I have no objection.

The SPEAKER. Is there objection? The Chair hears none, and that order is accordingly made by the House.

RETURN OF CERTAIN COLORS, ETC., TO HARVARD UNIVERSITY.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill 1099.

The bill was read, as follows:

A bill (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfolt gun.

*Be it enacted, etc.,* That the Secretary of the Navy is hereby authorized to give to Harvard University the 6-pounder Nordenfolt gun, the set of colors, including ensign, jack, and pennant, and the silver loving cup presented by Harvard graduates to the auxiliary cruiser Harvard at the opening of the war with Spain: *Provided, however,* That said gun shall be returned, in like order as when received, to the Government at any time when it may be required for use.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I did not understand exactly the full purport and effect of this bill. Does it entail any expense on the Government?

Mr. ROBERTS. No, sir; no expenditure on the part of the Government whatever, Mr. Speaker.

Mr. RICHARDSON of Tennessee. The gentleman will pardon me. I thought it had some provision at the close, as the Clerk read, that the Government was required to put it in good order.

Mr. ROBERTS. Oh, no, Mr. Speaker; that is a provision compelling Harvard College to return the gun to the Government in the same condition as received if the Government ever desires it. I would like to say, Mr. Speaker, that the same procedure was had in the case of the colors, cup, and gun presented by Yale College to the cruiser *Yale*. They have been returned to the college.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ROBERTS, a motion to reconsider the vote by which the bill was passed was laid on the table.

REFUND OF CERTAIN TONNAGE TAXES.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 6439) for the refund of certain tonnage taxes.

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, additional tonnage taxes, at the rate of \$1 per ton, amounting to \$7,332, heretofore levied on the steamers *Santiago de Cuba*, *Santiago*, *Cienfuegos*, and *Olinda* on entry at New York from Cuban ports.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have some enlightenment on this matter. I did not catch the bill as read. Reserving the right to object—

Mr. GROSVENOR. Mr. Speaker, the bill is a Senate bill. It passed the Senate on the 11th of December and comes to the House with unanimous report from the Committee on Merchant Marine and Fisheries. It is a bill to refund to some six vessels an amount aggregating \$7,000, which sum represents money in the Treasury that was collected as tonnage dues on these vessels entering New York Harbor between the time when the law authorized the collection of these dues and when they would have ceased but for the delay of the President's proclamation. Under the law that we passed about a year ago refunding in general terms all of the irregularly collected tonnage dues the statute was not deemed broad enough to cover this small sum that was collected at a period not covered by the general statute. The general statute is set out in the report. The letter of the Treasury Department is in the report, recommending the passage of this bill. If the gentlemen are not satisfied with that statement, I will ask to have the report read at the desk.

Mr. RICHARDSON of Tennessee. Is it a long report? It is almost impossible, Mr. Speaker, for us to hear what the gentleman said. If it is not a long report, I would like to have it read.

Mr. GROSVENOR. The letter of the Secretary is a very short one.

The SPEAKER. Without objection, the report will be read to the House.

The report (by Mr. GROSVENOR) was read, as follows:

The Committee on the Merchant Marine and Fisheries has had under consideration the bill (S. 6439) for the refund of certain tonnage taxes, and report the same back with a recommendation that the same do pass.

The history of the legislation and the situation in regard to the claim is fully described and set out in the report of the Senate committee which follows, and which is adopted by your Committee on the Merchant Marine and Fisheries:

[Senate Report No. 2207, Fifty-seventh Congress, second session.]

The Committee on Commerce, to whom was referred the bill (S. 6439) for the refund of certain tonnage taxes, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Treasury Department, as will appear by



the following letter, which, with the accompanying papers, fully presents the merits of the bill:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, December 6, 1902.

SIR: I have the honor to acknowledge the receipt of the letter from your committee, dated the 5th instant, transmitting bill S. 6439, Fifty-seventh Congress, second session, for the refund of certain tonnage taxes, amounting to \$7,352, heretofore levied on the Cuban steamers *Santiago de Cuba*, *Santiago*, *Cienfuegos*, and *Olinda* on entry at New York from Cuban ports.

The amount represents alien or penal tonnage dues imposed for a short period after the organization of the Cuban Government and before proclamation was issued by the President relieving Cuban vessels from the tax, which, it may be stated, is not now levied upon vessels of the United States or of any other nation. While the exaction was legal, it was inequitable, and in the opinion of this Department should be refunded by authority of Congress. This Department has no authority to refund the money and had no authority to waive its collection.

The facts regarding the matter are set forth more in detail in the report from the Department, dated the 2d instant, upon the subject, addressed to the President pro tempore of the Senate, which report this Department desires shall be considered as a part hereof. A copy is inclosed herewith for ready reference.

Respectfully,

L. M. SHAW,  
Secretary.

Hon. WILLIAM P. FRYE,  
Chairman Committee on Commerce, United States Senate,  
Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, December 2, 1902.

SIR: I transmit herewith the draft of a bill authorizing and directing the Secretary of the Treasury to refund tonnage taxes, amounting to \$7,352, imposed on certain vessels arriving in the United States from Cuba, and recommend its passage. The refund covers additional taxes of \$1 per ton imposed at New York under sections 4219 and 4225 of the Revised Statutes, at the following dates and on the following vessels:

Dec. 7, 1898, <i>Santiago de Cuba</i> .....	\$792
Feb. 6, 1899, <i>Santiago de Cuba</i> .....	792
Mar. 14, 1899, <i>Santiago de Cuba</i> .....	792
Mar. 22, 1899, <i>Cienfuegos</i> .....	1,346
June 14, 1902, <i>Cienfuegos</i> .....	1,346
June 23, 1902, <i>Santiago</i> .....	792
June 24, 1902, <i>Olinda</i> .....	1,492
Total.....	7,352

The imposition of these taxes has been a consequence of exceptional conditions, following the transfer of sovereignty over Cuba from Spain, through the United States, to the Cuban people, and the relief asked for is similar to that granted by Congress by the act of February 10, 1900.

The *Santiago de Cuba* entered New York on or about December 7, 1898, and February 6, 1899, without marine documents or any documents establishing her nationality. The collector thereupon, under sections 4219 and 4225 of the Revised Statutes, collected at each entry \$1 per net ton in addition to the regular tonnage tax of 3 cents per net ton. The agents of the vessel state that the register had been surrendered at the Spanish custom-house prior to the war, in accord with Spanish regulations, to be sent to Madrid for approval.

By order of the President, dated December 13, 1898, regulations were promulgated by the War Department empowering Army officers in command at ports in Cuba to issue permits to engage in the coasting trade of the island to vessels owned by Cubans who renounced their allegiance to Spain. Such vessels, however, being without nationality, were subject on entry into the United States to \$1 per ton additional taxes under sections 4219 and 4225 of the Revised Statutes. These taxes were imposed on the arrival of the *Santiago de Cuba* on March 14, 1899, and of the *Cienfuegos* on March 22, 1899, with permit issued by the military authorities.

Congress, by the act of February 10, 1900, authorized the refund of such additional taxes imposed after April 11, 1899, the date of the treaty with Spain. The four cases mentioned are similar in essential respects to those in which relief has already been afforded by Congress.

The act of February 10, 1900, gave to vessels owned by citizens of Cuba and documented as such by officers of the United States the rights and privileges of vessels of the most favored nations. On the establishment of the Cuban Government on May 20, 1902, Cuban customs officers canceled these documents issued by officers of the United States, thus depriving the vessels of the privileges bestowed by the act of February 10, 1900.

The notice from the Cuban Government, required by section 4228 of the Revised Statutes, on which the President may suspend the collection of the additional tax of \$1 per ton, was not received until July, and on July 7 the President's proclamation was issued. In the meantime the *Cienfuegos* arrived at New York on June 14, 1902, the *Santiago* (formerly *Santiago de Cuba*) on June 23, and the *Olinda* on June 24, and in each case, as required by law, the collector of customs imposed \$1 additional tonnage taxes.

Respectfully,

L. M. SHAW, Secretary.

The PRESIDENT PRO TEMPORE OF THE SENATE.

[Department circular No. 83, 1902.]

CUBAN VESSELS AND THEIR CARGOES RELIEVED FROM DISCRIMINATING DUTIES.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., July 7, 1902.

To collectors of customs:

The attention of officers of the customs, owners and masters of vessels, etc., is invited to the following proclamation by the President, dated July 3, 1902, relieving Cuban vessels and their cargoes from discriminating duties:

"Whereas satisfactory proof has been given to me by the Government of Cuba that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Cuba upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country:

"Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the authority vested in me by section 4228 of the Revised Statutes of the United States, do hereby declare and proclaim that from and after the date of this my proclamation, so long as vessels of the United States and their cargoes shall be exempt from discriminating duties as aforesaid, any such duties on Cuban vessels entering the ports of the United States, or on the produce, manufactures, or merchandise imported in such vessels, shall be suspended and discontinued, and no longer.

"In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington the 3d day of July, in the year of our Lord 1902 and of the independence of the United States the one hundred and twenty-sixth.

"THEODORE ROOSEVELT."

Should such duties have been levied on or since the date of the proclamation, any application filed for refund will be forwarded by the proper officer with his report in the usual manner.

M. E. AILES, Acting Secretary.

There seems to be no objection to the bill. The claim is a perfectly legitimate and legal claim, and it was made the duty of the committee simply to refer to the law as it now stands, which is embodied in the bill (H. R. 3074) of the Fifty-sixth Congress, which is as follows:

"A bill relating to Cuban vessels.

"Be it enacted, etc., That vessels owned by citizens of Cuba and documented as such by officers of the United States shall hereafter be entitled in ports of the United States to the rights and privileges of vessels of the most favored nation, and they and their cargoes shall be subject to no higher charges in ports of the United States than are imposed on the vessels and cargoes of the most favored nation in the same trade.

"SEC. 2. That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, upon application and satisfactory evidence, tonnage taxes and light dues which have been imposed on vessels owned by citizens of Cuba entering ports of the United States since January 1, 1899, which have been in excess of the tonnage taxes prescribed by section 11 of the act of June 19, 1886."

This left a hiatus, as explained by the Secretary of the Treasury, and it is but just and fair that this money should be refunded.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF BEER AND LIGHT WINES IN POST EXCHANGES.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to submit the following privileged report.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred House resolution No. 347, report the same back to the House with the recommendation that it do pass.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he hereby is, requested to transmit to Congress the various reports received by his Department on the practical operation of section 38 of the act of February 2, 1901, which prohibits the sales of beer and light wines in post exchanges.

The question was taken, and the resolution was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

HAWAIIAN SILVER COINAGE AND SILVER CERTIFICATES.

Mr. HILL. Mr. Speaker, after consultation with the minority members of the Committee on Coinage, Weights, and Measures, the gentleman from Missouri, the gentleman from Tennessee, who are present, and with their approval, I ask unanimous consent that the House may now proceed to take up Senate bill 2210, as amended by the House committee, and reported favorably by the Committee on Coinage, Weights, and Measures, and dispose of it, with the understanding that there be thirty minutes of general debate on each side, and the bill to be read under the five-minute rule for amendment.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of the Senate bill 2210, with the understanding as to debate as stated by the gentleman. Does the gentleman desire to go into Committee of the Whole?

Mr. HILL. I suppose that would be necessary, Mr. Speaker.

The SPEAKER. Coupling with his request the proposition that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill, with general debate limited to one hour.

Mr. HILL. Thirty minutes on each side.

The SPEAKER. Before this request is submitted to the House the Clerk will report the bill.

An act (S. 2210) relating to Hawaiian silver coinage and silver certificates.

Be it enacted, etc., That the silver coins that were coined under the laws of Hawaii, when the same are not mutilated or abraded below the standard of circulation, shall be received at the par of their face value in payment of all dues to the government of the Territory of Hawaii and of the United States, and the same shall not again be put into circulation, but they shall be received in the mints as United States coins.

SEC. 2. That when such coins have been received by either Government in sums not less than \$500 they shall be deposited as bullion in the mint at San Francisco, Cal., and shall be received as subsidiary coinage of the United States. And the superintendent of the said mint shall pay for such coins, at their face value, to the proper officer or agent of the Government depositing the same, the sum so deposited, in standard silver coins of the United States. The expenses of transmitting said coins to and from the Hawaiian Islands shall be borne equally by the United States and the Territorial government of Hawaii.

SEC. 3. That any collector of customs or of internal revenue of the United States in the Hawaiian Islands shall, if he is so directed by the Secretary of the Treasury, exchange standard silver coins of the United States that are in his custody as such collector with the government of Hawaii, or with any person desiring to make such exchange, for coins of the government of Hawaii, at their face value when the same are not abraded below the lawful standard of circulation, and the Treasurer of the United States, under the

direction of the Secretary of the Treasury, is authorized to deposit such silver coins of the United States as shall be necessary with the collector of customs or of internal revenue at Honolulu or at any Government depository for the purpose of making such exchange under such regulations as he may prescribe.

SEC. 4. That any silver coins struck by the government of Hawaii that are mutilated or abraded below such standard may be presented for recoinage at any mint in the United States by the person owning the same, or his or her agents, in sums of not less than \$50, and such owner shall be paid for such coins by the superintendent of the mint the bullion value per troy ounce of the fine silver they contain in standard silver coin of the United States, and such bullion shall be coined into subsidiary coinage of the United States.

SEC. 5. That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws of the Republic of Hawaii, until the 1st day of January, 1904, and not afterwards.

SEC. 6. That any silver certificates heretofore issued by the government of the Hawaiian Islands, intended to be circulated as money, shall be redeemed by the Territorial government of Hawaii on or before the 1st day of January, 1905, and after said date it shall be unlawful to circulate the same as money.

SEC. 7. That nothing in this act contained shall bind the United States to redeem any silver certificates issued by the government of Hawaii, or any silver coin issued by such government, except in the manner and upon the conditions stated in this act for the recoinage of Hawaiian silver.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none, and it is so ordered.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. JENKINS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3210) relating to Hawaiian silver coinage and silver certificates.

Mr. HILL. Mr. Chairman, in view of the fact that the bill has been once read in the House, I ask unanimous consent that the first reading in committee be dispensed with.

The CHAIRMAN. Without objection, the third reading of the bill will be dispensed with.

There was no objection.

Mr. HILL. Mr. Chairman—

The CHAIRMAN. The gentleman from Connecticut is recognized for thirty minutes.

Mr. HILL. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. COCHRAN] may have charge of the thirty minutes given to the minority.

The CHAIRMAN. Without objection, the Chair will recognize the gentleman from Missouri to control the time of the minority.

There was no objection.

Mr. HILL. Mr. Chairman, the bill as read is a great deal more formidable than the results achieved by it. The facts are these: A few years ago under the monarchy in the Sandwich Islands a million dollars was coined, consisting of quarters, halves, and dollars—500,000 dollars, 350,000 half dollars, and the balance in quarters and dimes. It was all subsidiary coinage, being legal tender only for the sum of \$10, the full legal tender in the islands being American gold coin. When the Sandwich Islands became annexed to the United States under the treaty, the existing laws were continued in force until repealed by act of Congress. The organic act making Hawaii a Territory, in the opinion of the people of Hawaii, has repealed the existing laws, and the laws of the United States, so far as coinage is concerned, are now the laws of the Territory.

This condition obtains, that there is substantially \$900,000 of silver coinage in the Hawaiian Islands bearing the image and superscription of King Kalakaua, and it is not legal tender for anything. It is accepted and is passing current in the islands because the banks have nominally agreed to accept it until Congress takes action in regard to it.

Under these circumstances the postmasters throughout the islands have written the Post-Office Department asking for instructions because the banks are contemplating refusing to accept it. Their reason for doing so is that it is not lawful money and consequently can not be held by them as a part of their reserve. They can not exchange it for any other money outside of the country, and the islands are in a very embarrassed condition concerning it, and that alone would seem to justify the exchange. It will cost \$10,000 for the United States to recoin this money, and it will cost \$10,000 to freight it over to the San Francisco mint and back again. That is \$20,000. We shall make by the operation, because it is subsidiary coin and probably never will come in for redemption, and the seigniorage on the recoined dollars will amount to \$35,000.

Bear in mind that the dollars over there are subsidiary, just as the halves and quarters are here. So the net apparent profit to the United States by the transaction will be \$15,000, and the people of Hawaii greatly desire that this shall be done, for they prefer to see in their daily business transactions, now that they are a part of the great American Union, they prefer to see the American eagle on their coins rather than the image and superscription of King Kalakaua.

The bill has passed the Senate unanimously, is approved on both sides, by Republicans and Democrats. It is a Senate bill, and I had the pleasure yesterday of reading a report which will be made in a day or two, signed by a Senatorial commission which went to the islands this summer. They took a great deal of testimony on this question, and the people came before the Senatorial commission and asked them to recommend that this money be recoined into United States money. That report is a unanimous one, signed by Democrats and Republicans also.

Mr. GAINES of Tennessee. Will the gentleman yield for a moment?

Mr. HILL. Yes, sir.

Mr. GAINES of Tennessee. The gentleman says that this report is unanimous?

Mr. HILL. Yes, sir.

Mr. GAINES of Tennessee. When did it become unanimous?

Mr. HILL. I was told yesterday that there was no objection to it on the part of anybody, and that it would be a unanimous report. It has not yet been filed in the Senate.

Mr. GAINES of Tennessee. The gentleman was spoken to by Senator FOSTER?

Mr. HILL. Both by Senator FOSTER and Senator MITCHELL.

Mr. GAINES of Tennessee. Have you talked with Democratic Senators to ascertain whether they approved it or not?

Mr. HILL. I have not. I did not suppose it was necessary.

Mr. GAINES of Tennessee. Well, I think it was very necessary, because they have not approved it. I am informed the "report" is yet in embryo.

Mr. HILL. That is all there is in this proposition. I hold in my hand, also, a Hawaiian paper, dated December 22, in which I find an article headed "Silver coinage," in which this change is strongly advocated. No harm is to come from this measure to anybody. The effect is simply to give to American people American money, with a profit in doing so to the United States Government. That is all there is in the proposition; there is no political tinge to it of any kind or character. As I have already said, the bill passed the Senate by a unanimous vote after a full discussion.

Now, there are two House amendments to the bill. One provides for the appropriation of \$10,000 to pay the transportation charges. By the bill as originally drawn—drawn from a former bill which was before Congress previous to the admission of Hawaii as a Territory—it was provided that the expense of transportation should be divided equally between the United States and the Hawaiian Islands. Of course, as Hawaii is now a Territory, it has no funds with which to pay this expense. As we are to have the seigniorage which will arise, there will be a net profit of \$15,000 over and above all expenses. The amendment has been framed by the Treasury Department and accepted by the Committee on Coinage, Weights, and Measures.

The other amendment provides that we shall take up that money at its face value rather than exchange it and then turn it back to the islands at its coining value. The inhabitants of that Territory are our people, and it is only fair and honorable that we should treat them precisely as we did Porto Rico—take up their coinage and recoin it at its circulation value. It has always been at par.

Mr. BELL. The gentleman has spoken of the profit which the Government will make out of this transaction by means of the seigniorage. Now, suppose the Government should go into the market and buy the silver for this new coinage, could it not make the whole \$600,000?

Mr. HILL. Undoubtedly.

Mr. BELL. Then we are simply paying out the money—

Mr. HILL. If we should do that, we should simply transfer the loss to the people of the Hawaiian Islands by compelling them to sell this money at its bullion value, which would seem to be unfair and unjust by reason of the fact that Hawaii has been admitted as a Territory of the Union.

Mr. BELL. In other words, we are simply paying out of the Treasury \$10,000 and the coinage expenses?

Mr. HILL. That is all; and we get in \$35,000.

Mr. BELL. If we bought the bullion in the market, we should make the entire \$600,000?

Mr. HILL. Certainly; there is no question about that.

Mr. Chairman, I reserve the balance of my time.

Mr. COCHRAN. I yield ten minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, this bill proposes to take \$1,000,000 of Hawaiian silver money, coined at the mints of the United States, money of the same fineness and value as our own silver money, and recoin this money into United States subsidiary coin. I am not fully advised as to the legal-tender value of this money. The gentleman from Connecticut says that the dollars are legal tender to the amount of \$10. At all events, when I was in Hawaii, being a member of the Coinage Committee, I made it



my business to inquire about the usefulness of this money. I inquired of street-car men, of hotel men, of the barbers (who come in contact with everybody), of merchants, and of various laboring people with whom I came in contact, it being my custom to come in contact with people "on the ground floor," as well as, possibly, now and then, by special invitation, with those who adorn our "gilded halls."

But not in a single instance did I find anyone opposed to the continuance of this money exactly as it is. It has always circulated on a parity with our money. It was so circulating then, and it was so circulating when this matter was debated in the House, and it is circulating now at its face value with our money. There is not one particle of gold behind it; there never has been any gold behind it. The gentleman from Ohio [Mr. SOUTHWARD] who reported the bill the first session of this Congress, said in his speech on this bill that it has always circulated at its face value, and so it has. So that if we take this money and coin it now into a limited tender into half dollars, quarters, and dimes, we make it more limited than at least \$500,000 of it is now.

In addition to that, as you will observe from the title of this bill, "An act relating to Hawaiian silver coinage and silver certificates," in addition to this change in this hard money that stays at home, and which does all the work those people want, we leave about \$450,000 of "silver certificates," which are issued upon this silver money and are redeemable in this Hawaiian money. We give the Hawaiian people until 1905, by the face of this bill (section 5), to redeem this paper money; yet in the meantime, by section 6, by 1904 we shall have demonetized it—the Hawaiian coin—and ground it all up into the American coin. This paper money is not redeemable in our coin.

In addition to that we throw back on the Hawaiian government the redemption of this \$450,000 of paper money, with no right to coin money, with no right to create a redeemer for it, with the result that that money will be so much lost at its face value in the pockets of the people, for it also circulates, as I understand it, on a parity with the balance of the money; we throw it back on those people without any power in the world of protecting and redeeming it at its face value or otherwise. That is a great injustice to those people. It is wrong to thus leave them absolutely with their money floating over there to this amount without any means of redeeming it, while in the meantime we destroy its redeemer, their hard money. Now, another thing, this Hawaiian coin is to be redeemed at its troy-weight value, not at its face value. We know now that the bullion in a silver dollar is worth somewhere between 30 and 40 cents. I will ask the gentleman from Colorado [Mr. BELL] what the bullion value is to-day of silver?

Mr. BELL. Between 47 and 48 cents.

Mr. GAINES of Tennessee. So that here is a million dollars in the hands of these people who are already threatened with famine, who are a people that are inferior to us in every sense of the word, and we are making them, with this million dollars in their pocket, take, not the face value of it as it now stands and circulates, but we make them take the troy weight value of it, which is 48 cents on the dollar. That is a very great injustice to them, and I can not be a party to it.

Now, the gentleman says that the American Government will make at least \$15,000 out of it. Think of it—think of the injustice done by the edict of Congress—we are making \$15,000 out of those people over there, with them having no vote here to oppose this matter, as I am now doing for them in a nonpartisan and in a fair way, sticking absolutely to the four corners of the record and to the facts.

Again, the gentleman says that a Senatorial committee has been over there and that they report these people want this done. Now, I talked with Senator FOSTER. He was kind enough to come over to see me. He said they invited in some bankers. The bankers wanted possibly to make something out of it, as possibly bankers do, as charged by our commissioners in the Philippine Islands.

Have we not in days gone by, in the halcyon days of our Republic, in the days of Jefferson, Monroe, and Jackson, down to 1857, circulated in our own Republic foreign coin and coins that were not circulated here at par? Yet these Hawaiian coins are circulating at par, doing full legal-tender duty, as much so as our gold that is here. Our gold dollars have been circulating with them on a parity, and yet there is such a demand over there for money that this limited tender, this silver dollar, with a little monarchy behind it, with no gold behind it, no resources behind it, has stood up and faced our gold dollar with a population behind it, with our wealth and power behind it, and we with the fell stroke of a pen propose to strike down that money and drive it out of that country.

Now, Mr. Chairman, I am sorry to say that we are not extending the limits of our Republic in the way that I should like to

see them extended, if they are to be extended at all. We are adding these colonial appendages, as by a string. We are increasing the number of "people" subject to our jurisdiction. But strange to say, although we have increased the number by 10,000,000 people in the Philippine Islands, and I do not know how many in the Hawaiian Islands or how many in Porto Rico, yet every year the mint report shows that our circulation per capita is greater than ever before. If you destroy this money, if you remove it from Hawaii, you diminish our per capita circulation, when it should be increased.

What must take the place of it if we strike down this coin? American money that should stay here at home to do our work, instead of having the Secretary of the Treasury run off up to New York amongst the gamblers and Wall street rapsallions, unloading the people's money in that retreat, to save the people, the Government, and the Republic from panic and ruin. [Applause on the Democratic side.] By thus acting, they say there is not enough money for the "legitimate" business of our country. Yet you would strike down this money of Hawaii, forcing the sending of our money to Hawaii to transact their business, thus diminishing the per capita circulation at our own doors, taking so much money away from the people of the United States.

Gentlemen, you can not dispute these statements successfully, so I can not do otherwise than oppose this measure in justice to those people.

Again, the gentleman from Connecticut [Mr. HILL] says the Democrats—who did not go over there, I may say—Senator BLACKBURN was one. He did not go, and the other Democrats did not go; I do not know why. Three Republicans did go. They had made no report yesterday. It is unfinished. Senator FOSTER says they have not signed it. I asked him to let me read it. [Applause.]

[Here the hammer fell.]

Mr. SHAFROTH. Mr. Chairman, three years ago an effort was made to get this bill through the House of Representatives upon the urgent plea that unless something was done the Hawaiian dollar would likely go to a discount. It was contended at that time that it was an urgency measure, something that ought to be put through quickly to prevent repudiation. Mr. Chairman, we then predicted that inasmuch as the Hawaiian dollar had a legal-tender quality it would not go to a discount so long as it was limited as provided by the Hawaiian laws. Those laws fix the amount at 500,000 silver dollars and provide that they shall be a legal tender in payment of debts for amounts up to \$10, and they pass there in payment of debts to any amount. These dollars have been mostly converted into silver certificates in denominations of \$10 and more, and they circulate in the islands just exactly upon a parity with our own money, no discrimination whatever being made, no one refusing to take a silver certificate in the Hawaiian Islands.

Now, Mr. Chairman, I have thought that this problem would solve itself if gentlemen upon the other side would permit it to do so. Day after day and week after week people go by the Hawaiian Islands to the Orient, and nearly everyone takes from the Hawaiian Islands some souvenir or token of his visit, and it is usually in the shape of a coin. I know that on the vessel that I was upon that visited the islands nearly every passenger took some of the Hawaiian money, and it would not take a very long time before that money would all be taken from the Hawaiian Islands and held as souvenirs—held for sale at a premium by coin dealers.

Mr. Chairman, I do not see why the Government of the United States should undertake this work now. I do not see why it should attempt to take a coin that is perfectly good, of the identical number of grains as our own silver dollar, and put it out of circulation. The dollar in the Hawaiian Islands contains 412½ grains of standard silver, the same amount identically as the United States coin. If gentlemen want to make this coin a full legal tender, they can do it by the passage of a bill which would not cost the Government 10 cents, whereas to convert this coin into other coin will cost, according to the gentleman's estimate, at least \$10,000.

There is another objection which I have to this measure and that is, this bill provides that these silver dollars shall be melted down into subsidiary coins, not into like coins of the United States, but into subsidiary coin. It seems to me that there is no reason for that. The subsidiary coin is as much an obligation of the Government as the silver dollar, and it ought to be cared for just as well as the silver dollar. And there is a greater necessity in the Hawaiian Islands for silver dollars or silver certificates based on the same than there is for subsidiary coin. In fact, the Hawaiian Islands could not use the amount of subsidiary coin which this bill provides shall be the result of the recoinage of the silver dollars. For that reason it appears to me that we ought to coin them into money that they want, into money that they

need, into money that their commerce will absorb, into coins of like denominations.

In the first place, the power to issue silver certificates based upon the silver dollars exists. The holder has had the right to have issued to him silver certificates. They are issued and in circulation and pass in the payment of all debts. To recoin the silver dollars which form their base into small coins would be simply to substitute for the paper money now in existence in the Hawaiian Islands subsidiary coin, not silver dollars. If there is any obligation on the part of the United States to take care of this money, of course it ought to be done; but, it seems to me, when two governments amalgamate and form one government, and each has money in circulation, each ought to take care of its own obligations. Silver bullion is at a discount. The United States can coin \$1,000,000 of silver from bullion at a cost of about \$400,000, but to take up the Hawaiian dollars and subsidiary coin will incur an obligation of \$1,000,000. Is not the purchasing of the Hawaiian money by the issuance of our own obligations in effect making a present of \$600,000 to the Hawaiian people?

But if there is an obligation, then of course that obligation ought to be carried out, cost what it may. But I do not know that there is any, and I would like the gentleman on the other side to point to me a statute or treaty that provides that we shall take care of their coins. Now, Mr. Chairman—

Mr. ROBINSON of Indiana. Mr. Chairman, may I interrupt the gentleman?

Mr. SHAFROTH. Certainly.

Mr. ROBINSON of Indiana. I would like to ask the gentleman from Colorado if he agrees with the gentleman from Tennessee [Mr. GAINES] in his statement that it will be a great injustice to the people of the Hawaiian Islands; and in connection with that, does the gentleman from Colorado not know that all Hawaiian interests desire this legislation?

Mr. SHAFROTH. Well, I believe the banking interest wants it, just like the banking interests of the United States want the silver of the United States redeemable in gold. I do not believe the people generally want it.

Mr. ROBINSON of Indiana. Has the gentleman any information upon that point?

Mr. SHAFROTH. The only information I have is that I was there a very short time, and I inquired, so far as I could, among Americans there as to the currency, and there seemed to be no objection to the same.

Mr. ROBINSON of Indiana. It is not general legal tender.

Mr. SHAFROTH. It is legal tender to the amount of \$10, and in addition to that the silver certificates issued upon that money pass for the payment of any debts.

Mr. ROBINSON of Indiana. On the second proposition, does the gentleman agree with the gentleman from Tennessee that it would reduce the per capita circulation of the country to transfer this money to Hawaii?

Mr. SHAFROTH. It would have this tendency. The silver certificates now constitute the principal circulating medium of the Hawaiian Islands, and to supplant it with subsidiary coin would of course deprive them for the time being of the circulation necessary for commerce.

Mr. ROBINSON of Indiana. The gentleman from Colorado is of the opinion that for the time being this would reduce the per capita circulation in the United States, the Hawaiian Islands being a part of it.

Mr. SHAFROTH. Temporarily. United States money in time will get there, I have no doubt.

Mr. HILL. Mr. Chairman, I wish to correct a statement that the gentleman from Colorado has made. This money is not legal tender, not for a cent, and has not been since the Hawaiian Islands were admitted as a Territory. It is just like tin, and circulates with the consent of the bankers. [Laughter.]

Mr. SHAFROTH. I beg to differ from the gentleman.

Mr. COOPER of Wisconsin. If the gentleman from Colorado will permit me, I notice that section 5 of the bill is somewhat in contradiction of the statement of the gentleman from Connecticut:

That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii.

Mr. COCHRAN. They are legal tender.

Mr. SHAFROTH. They are legal tender to the amount of \$10. I looked it up while we had this under discussion two or three years ago.

Mr. HILL. If the gentleman will look to the organic act by which Hawaii was admitted as a Territory, he will see that it is not a legal tender.

Mr. SHAFROTH. I do not see how the organic act could affect the legal-tender value of money established by the Hawaiian government. It would be an impairment of the obligations of contracts to change it. There is no question but what the issuance

of silver certificates has been made on this money, and they circulate absolutely in the payments of debts of any size.

Mr. HILL. The legal tender of the Hawaiian Islands is now and has been since their admission as a Territory American gold coin.

Mr. COCHRAN. And their coin is up to \$10.

Mr. SHAFROTH. And their coin is also received as legal tender up to \$10.

The CHAIRMAN. The time of the gentleman from Colorado has expired. [Loud applause.]

Mr. HILL. Mr. Chairman, I now yield ten minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Chairman, I am in favor of the passage of this bill and every reason seems to impel it. I am an American and believe in American money, and equality of rights and obligations to all our citizens. The Hawaiian Islands are as much a part of American territory as any State in the Union. They are fully under the Constitution in all its strength and force. The gentleman from Tennessee suggested in his remarks that this legislation was not desired by the people of the Hawaiian Islands. I have communicated with very many of the citizens of the Hawaiian Islands and in no instance, in no report that I have read, or recommendations made on the subject, or in personal communications, have I heard a dissenting voice, but all were in favor of the passage of this bill.

Mr. COCHRAN. Will the gentleman yield for a question?

Mr. ROBINSON of Indiana. Certainly.

Mr. COCHRAN. What particular report does the gentleman refer to?

Mr. ROBINSON of Indiana. I refer to papers that have been sent by the commercial bodies; to reports by the United States officers and Hawaiian authorities, from the Secretary of the Treasury on down, and statements by gentlemen that I have seen personally—one who was secretary of the senate of the Hawaiian legislature, Mr. Edgar Cayless; another, a member of the fire-claims commission in the islands of Hawaii, Mr. Pratt; another, Mr. Haywood, an ex-consul, and various gentlemen of that character that I have not time to mention. The Delegate from Hawaii [Mr. WILCOX] has persistently pressed this bill. The gentleman from Tennessee referred to the fact that it would reduce the per capita circulation of the United States. That is an error. This is a provision to stamp the device of the United States Government on a silver piece of a fineness and weight equal to the American money. Therefore that is untenable. The Hawaiian people are all in favor of this legislation. It means only the taking of nearly a million dollars of Hawaiian silver bearing the impress of the Hawaiian government and transferring to that silver the imprint of the United States Government.

Mr. COCHRAN. Does it not, in addition to that, retire a great volume of silver certificates, and does it not retire a large volume of those outstanding Hawaiian silver dollars and substitute subsidiary coinage for all this form of currency?

Mr. ROBINSON of Indiana. It substitutes subsidiary coinage only for the amount of the silver now in circulation.

Mr. COCHRAN. The whole million dollars will be subsidiary coinage.

Mr. ROBINSON of Indiana. The gentleman is correct. The Hawaiian Islands were annexed July 7, 1898, as a Territory of the United States and as a part of the United States, under the Constitution fully. From that time—for twenty-one months—until June 14, 1900, the revenues of the Territory of Hawaii—the customs duties, the postal receipts, the internal revenues—were received by the Hawaiian treasurer. At the time of annexation we assumed their public indebtedness to the amount of \$4,000,000. They are American citizens and are entitled to American money, one of the rights of American citizenship. We assumed the \$4,000,000 indebtedness as a part of the act of annexation, but with this assumption received their millions of public property. This will make their money worth now half a million dollars worth a million dollars, it is true, but it is now received by United States collectors there as if it were United States money, but it bears the impress of a foreign state.

Mr. SHAFROTH. Will the gentleman yield for a question?

Mr. ROBINSON of Indiana. Certainly.

Mr. SHAFROTH. Did we in that act assume to take care of their money or to make their money equal to ours?

Mr. ROBINSON of Indiana. We did not.

Mr. SHAFROTH. There is no statement in the act intimating anything of the kind.

Mr. ROBINSON of Indiana. There is not.

Mr. SHAFROTH. Does the gentleman not recognize that when the Hawaiian government takes this money and puts it into United States obligations, which obligations the United States are pledged to maintain at a parity, that it thereby makes for the Hawaiian government about \$300,000, and do not we make them a present of \$300,000 when we pass this act?



Mr. ROBINSON of Indiana. I was about to come to that proposition, that of our moral obligation, as the gentleman urged in the last session of Congress and to-day on the floor, and if such moral obligation existed we ought to pass this bill.

Mr. SHAFROTH. Certainly, if there was a moral obligation.

Mr. ROBINSON of Indiana. Now, I invite the gentleman's careful attention to my remarks on this point.

Mr. SHAFROTH. Does the gentleman not recognize that when two nations consolidate there is a moral obligation that each shall take care of its own money?

Mr. ROBINSON of Indiana. If the gentleman will give me time, I will endeavor to make clear my views on this question of moral obligation. What is the gentleman's American theory for absorbing and taking up this money for the United States citizens in Hawaii? It is that tourists shall go there month after month and year after year, and by taking curios and souvenirs absorb a million of money belonging to American citizens, that the burden belonging to the Government shall in that eccentric and singular manner be discharged by individual citizens of our country and by foreign tourists in search of keepsakes.

That is his patriotic endeavor to assume the obligations of a people bound to us by the ties of American citizenship, and in this the gentleman loses sight of the benefits that accrue to us all as citizens of a common country.

Now, in June, 1900, we passed the organic law, taking away from Hawaii the customs duties, the internal-revenue and postal receipts; and those since that day have gone into the United States Treasury. The result of the passage of that act and the benefits to the United States Treasury is shown in a letter of the Secretary of the Treasury to me dated January 4, 1903, exhibiting a net realization to the Treasury of the United States from customs duties, internal revenues, and postal receipts of \$2,585,000 from Hawaii alone.

It reads:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
DIVISION OF BOOKKEEPING AND WARRANTS,  
Washington, January 6, 1903.

Hon. J. M. ROBINSON,  
House of Representatives.

SIR: In reply to your letter of recent date relative to the receipts and expenditures on account of the Territory of Hawaii, I have the honor to state as follows:

#### RECEIPTS.

	1901.	1902.	First 6 months of 1903.
From customs .....	\$1,095,723.01	\$1,458,191.17	\$572,830.39
From internal revenue .....	92,521.13	70,235.22	25,789.53
From miscellaneous sources .....	12,081.79	20,947.79	12,953.26
Total .....	1,200,325.93	1,548,774.18	612,573.18

#### EXPENDITURES.

	1900.	1901.	1902.	First 6 months of 1903.
Collecting revenue from customs .....	\$3,124.72	\$84,296.61	\$96,932.82	\$51,250.00
Annexing Hawaiian Islands .....	6,540.95	3,907.39	565.63	
Salaries, collectors internal revenue .....		27,018.48	4,311.38	1,794.65
Salaries, agents internal revenue .....		200.00		
Salaries, officers and employees internal revenue .....		4,897.08	5,988.11	3,040.90
Salaries, governor, etc .....		41,473.88	38,086.23	26,299.96
Salaries, district court .....		4,080.97	3,853.85	2,445.15
Expenses United States courts .....		13,169.90	24,049.78	12,000.00
Contingent expenses of Territory .....		2,303.61	2,974.42	1,418.90
Payment of debt of Hawaii .....		2,488,071.88	751,202.44	186,172.20
Liquidation of deposits in Hawaiian Savings Bank .....		757,024.67	4,460.38	1,670.75
Improving Pearl Harbor .....		300.00	20,700.00	12,982.26
Quarantine service .....		31,809.29	12,335.13	3.35
Enforcement of Chinese-exclusion acts .....		1,000.00		335.80
Repayment of importers, excess of deposits .....		16,228.31	8,846.51	4,980.21
Debitures or drawbacks .....		2,471.79	7,594.07	2,898.42
Total .....	9,065.67	3,477,713.89	981,900.75	307,293.55

Respectfully,

L. M. SHAW, Secretary.

From these expenditures we must deduct the four million assumed by the United States in public debt, which assumption was provided for by the resolution of annexation in 1898, and is a closed chapter so far as the merits of this proposition is concerned.

Mr. SHAFROTH. Do not the people of the Hawaiian Islands, by reason of having their sugar imported into this country free of duty, make ten times that amount each year out of the United States?

Mr. ROBINSON of Indiana. Oh, the gentleman would not hold that this operates purely to the benefit of the islands. What

do we get by reason of the free admission of various commodities—a system that we on this side stand for always and everywhere? We of the mainland receive a corresponding benefit by reason of the free trade with Hawaii.

Mr. SHAFROTH. Does the gentleman mean to say that the price of sugar in the United States is modified by the free importation into this country of the small amount of sugar from Hawaii?

Mr. ROBINSON of Indiana. The gentleman must recognize that I can not go into a discussion of the tariff and trust question at this moment. He will find on looking up the report that a very large amount of sugar comes from Hawaii, reaching hundreds of thousands of tons, and in value reaching many millions of dollars, it being the principal and almost the sole industry there. The proposition carries its own answer, so far as is necessary to the present discussion. The letter I have submitted shows the receipts and disbursements. Did we not, when we assumed the indebtedness of Hawaii to the extent of \$4,000,000, receive \$4,000,000 of public property? Have we not Pearl Harbor, one of the most magnificent harbors in the world? That is a part of what we received in consideration of our assuming that indebtedness. We received \$4,000,000 of public property and in addition \$4,000,000 of public lands.

Those people in Hawaii are American citizens, standing upon an equality with all American citizens in this country, and therefore they are entitled to this consideration. When we make their money ours and our money theirs, it results in no loss. They want it; we ought to want it. The report of the Secretary of the Treasury shows that we have to our credit from Hawaii in receipts from June, 1900, a net revenue of \$2,585,000 with which to meet this expenditure that the gentleman speaks of as something like \$300,000.

Those people being Americans, inhabiting American territory, and not standing as do Porto Rico and the Philippines, their interests calling for this measure, there being no financial question involved, as was in the campaign of 1896, the only proposition is, Are these American citizens, on American territory and under our Constitution, entitled to the same advantages, the same financial conditions, to which we are entitled? I submit that every consideration calls for the passage of this bill.

Mr. GAINES of Tennessee. I ask my friend from Indiana—

The CHAIRMAN. The gentleman from Indiana has consumed all his time.

Mr. GAINES of Tennessee. The Chair has not heard the proposition I was trying to state.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GAINES of Tennessee. I should like the gentleman from Indiana to put also in the RECORD a statement showing why it was that the courts and other machinery of the government of Hawaii went to pieces, which I understand was because there was not enough money there with which to run the government.

Mr. ROBINSON of Indiana. The gentleman from Tennessee can do that in his own time and on his own credit and responsibility.

Mr. GAINES of Tennessee. Such was the fact, although it is not in the official statement I have.

Mr. COCHRAN. Mr. Chairman, at the time of the annexation of Hawaii the government of those islands had outstanding, in circulation, \$1,000,000 in silver money. Copying our system, their law provided for the deposit of silver dollars in the treasury and the issue of silver certificates. Five hundred thousand silver dollars had been minted, and over four-fifths of these silver dollars were represented by silver certificates. The islands had \$400,000 in subsidiary silver coin. This \$1,000,000 forms the money of commerce of about 100,000 trading people in those islands. It is almost the only money in circulation there. In their affairs it cuts the same figure that our greenbacks, silver certificates, and silver coins cut in our affairs. It is to them what the paper currency of Holland and Belgium is to the masses in those countries—a local currency—almost the sole money of commerce. It has been and is to-day the lifeblood of commerce—the indispensable tool of commerce. It is at par with gold, and there is not the least likelihood that it will cease to be. It is not exportable, because it bears the stamp of the Hawaiian mints. So, no matter what the stress of hard times, this money of commerce will remain in the Hawaiian Islands. Why render it exportable? Who is to be benefited by doing so?

Three years ago the gentleman from Connecticut first concluded that it was essential to the welfare of the Hawaiian Islands that their money should be rendered exportable, so that as a commodity it would the better serve the purposes of the bankers and money dealers. He was just as insistent then as now. He declared then, as he does now, that the bankers were about to refuse to receive it—that a calamity was impending; but nothing of the kind has happened.

The trouble with the gentleman from Connecticut [Mr. HILL]

is that he is trying continually to shape financial laws so as to help the banking business. He views money as a commodity pure and simple, and never as a tool—an implement to be used in effecting exchanges by the masses. He sees not the beneficence of a financial system which secures ample means of exchange to the many, whose trade is mainly in small transactions, but the inconvenience of such a system to the banker, who is thereby deprived of a field in which to farm out bank credits. As long as Hawaii's silver certificates and silver money fills the channels of trade, the banker must stand by and see the people get on with the minimum of bank credits. Convert all this silver into exportable subsidiary coin and in a little while the ideal system of entire dependency on bank credits will hold sway.

Mr. Chairman, I protest against this measure as part and parcel of a policy which for thirty-five years has subverted every precept of sound economics and reason in this country. For a generation Treasury policies, and more recently legislation, have proceeded upon the theory that to interpose the slightest barrier to the export of money as a commodity is vicious. The school of which the gentleman from Connecticut is a disciple have seemed to think that to even suggest a safeguard against the withdrawal of money from neighborhoods or its exportation involves dishonor and ruin. They have sought to so shape our financial laws and Treasury policies that when the international bankers and money dealers, as a means of profit, undertake to supply foreign money markets with needed specie—a mere business enterprise carried on for the profit there is in it—it is the duty of the public authorities—Presidents, legislators, and Treasury officials—to facilitate the enterprise. Instead of interposing barriers, we are told that it is the part of statesmanship to remove them.

And yet, Mr. Chairman, when disaster has resulted, as it necessarily must in times of great stringency, it has been pointed out that in every other country except ours there is a way of preventing or at least impeding the outflow of specie, and it is sternly and vigorously enforced. The Bank of England puts up the rate of discount and thus stops the flow of money out of England. The Bank of France increases its rates and pays out silver at its option, and prevents the outflow of gold from France. The banks of Germany put up the rate of discount, and that prevents the export out of Germany. But when our lawmakers approach this question, no matter whether it arises in connection with domestic exchanges, as in the matter under consideration, or out of the condition of international exchanges, the first cry of the Republican lawmaker is, how may we dovetail financial policies and the money-making schemes of bullion dealers and money merchants.

This money that is in circulation in the Hawaiian Islands has remained at a par with our gold and our national currency from the day the islands were annexed down to this time—about five years. It is at par now. It performs every office that money can perform. The gentleman from Connecticut [Mr. HILL], in the desperation of his fortunes, doubtless mistaking his imagination for his memory, tells us this money is not a legal tender. It is a legal tender. It was a legal tender at the time of annexation and must remain so, under the treaty, until the law making it a legal tender is repealed.

Mr. HILL. Will the gentleman yield?

Mr. COCHRAN. Not now; I will yield to the gentleman presently. Undoubtedly by the treaty and the act of annexation it was continued as a legal tender, and undoubtedly no statute has been passed since demonetizing it. In the face of the gentleman's contention that it is not a legal tender is a section of the pending bill declaring that it shall continue to be a legal tender—a sufficient negation of his statement that it is not a legal tender. He says the organic act demonetized this silver money. Why, no such contention was ever made before, and there is absolutely no justification for it now.

Gentlemen refer to the fact that the money of the Hawaiians is not American money as if this were a misfortune. It is a blessing, because as long as it remains a local currency they will suffer no collapse from stringency. I would hail as a blessing to the whole country a system guaranteeing like immunity to the Western States. Great Britain has a system of provincial banks which furnish a local currency to the people of Scotland, Ireland, and Wales. Like this Hawaiian money, this bank currency is provincial. In times of panic it is not sent out of the neighborhood. It is useful only where it is uttered.

These provincial banks issue a large amount of this local currency—in Ireland, thirty millions; in Scotland, about thirty millions; in Wales, seven or eight millions; in England, in addition to the note issues of the Bank of England, five millions. In my judgment, this one feature of the British financial system is about the only one worth copying, yet it is the only one not sanctioned by the reigning American doctors of finance. It has measurably solved for England the conundrum over which the wise heads of the Republican party have perplexed themselves in vain for thirty

years: How shall we make our currency more flexible? The British provincial banks of issue furnish to neighborhoods they serve precisely what this local coinage furnishes to the Hawaiian Islands—money with which to carry on their commerce day after day—money which can not be exported in good times or bad, because it is not the money of any other country.

In this connection, and as illustrative of the same proposition, I challenge attention to a significant chapter of our financial history. Since the formation of this Republic there has occurred just one panic in foreign countries which left us unscathed. In the early part of the century a panic abroad caused an appalling decline in values here and involved thousands in inevitable ruin.

Again in 1836 and in 1856 the same thing occurred. All these misfortunes were traceable to the export of specie from this country, responsive to the demands of foreign creditors who, driven to the wall by hard times, were compelled to collect from us. Then came a greater panic than any of these, a panic which involved British traders in greater losses than they had ever sustained before, and it was never heard of or felt by this country. I refer to the great panic of 1866, a panic unprecedented in the extent of the fall in prices and the widespread ruin it wrought. But we went along untouched and unscathed, our people hardly hearing of the fact that there was a panic abroad. Why? Because we were using a strictly local currency—paper money. The money of commerce in use in this country was not exportable.

It could not be withdrawn from the channels of trade and sent to foreign countries to fill up the vacuum in their circulation.

The silver money and silver certificates in use in the Philippine Islands is precisely such a currency. It serves the purposes of trade there from day to day. It is at par with our money. It is a blessing to the people of the islands. Its use injures no other section of the country. Three years ago the gentleman from Connecticut was seized with the fear that it would depreciate, but it retains equality with our gold. I am opposed to action based on the vagaries of the imagination of the gentleman from Connecticut.

I hope this bill will not pass. Possibly its passage would help a few bankers at Honolulu. I am inclined to think it would. Cancel and retire the Hawaiian silver certificates, and a money famine will follow. Then national bank notes will take the place of this money, the people will pay and the bankers will receive interest on it. But, Mr. Chairman, no other interest and no other class in the Hawaiian Islands except the banking interest demands or will be benefited by this change in the law. All other classes will be injured by it. [Applause.]

[Here the hammer fell.]

Mr. ROBINSON of Indiana. I will ask the gentleman from Connecticut to yield to me for half a minute.

Mr. HILL. I will do so with pleasure—one minute.

Mr. ROBINSON of Indiana. I sought to interrupt the gentleman from Missouri, but I will take this opportunity to say that the Delegate from the Hawaiian Islands has constantly insisted upon the passage of this law.

Mr. COCHRAN. I will throw that in with the other arguments that have been made in favor of this bill.

Mr. HILL. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am going to vote for the bill before the House; but as some of the distinguished leaders of my party are opposed to it, I do not care to cast that vote without giving a statement of the reason for it.

I do not think there is very much involved in the bill, either in the money question or in the matter of rights and humanity. But under the Constitution of the United States the power is vested in the Federal Government to coin the money of this country. It is vested there solely. It was the intention of the fathers that all the coin money used in this country should be of the same kind, that the coinage of the country should be uniform. For that reason they did not leave it to the States, but vested it in the Federal Government. Now, then, I find—

Mr. COCHRAN. I would like to ask the gentleman a question.

Mr. UNDERWOOD. I have only five minutes.

Mr. COCHRAN. I will ask you if for the first fifty years foreign coin was almost exclusively used, notwithstanding that fact?

Mr. UNDERWOOD. Hardly for fifty years, I will say to the gentleman.

Mr. COCHRAN. Up to about 1856.

Mr. UNDERWOOD. We had some to 1856, but as rapidly as the feeble Republic could do so it converted the Spanish mill dollar, to which my friend has referred, into coinage of the United States.

Mr. COCHRAN. Does not the Constitution recognize the power to fix the value of foreign coin?

Mr. UNDERWOOD. But the intention of the fathers was that we should have one coinage, not the coinage of the States,



but that where the eagle of the United States went it should represent a dollar, not of the State or Territory in which it is found.

There is only one question, and it is a very doubtful question, whether it is legal tender; but when we extended the Constitution of the United States to the Hawaiian Islands we extended the Federal laws, with all the general provisions, and thereby we extended the banking and currency laws of the country.

Mr. COCHRAN. Have not the States the power to make foreign coin legal tender?

Mr. UNDERWOOD. I can not yield to the gentleman, as I have only a few minutes. When we extended our laws and carried the currency laws of the country to the Hawaiian Islands under that general provision, I believe it is probable we wiped out the laws of the Hawaiian republic that made this coinage legal tender. If that is so, this coinage is floated there by the will of the people and by the will of the banks and the will of the government to receive it. Now, why should that be the case? Why not convert it into the money of the United States? Why should we continue to have a coinage of a dollar on which we put the likeness of a negro queen? Why does that make that more valid and beneficial to the citizen of that country than to stamp the American eagle there and let it be an American dollar?

Now, as far as this case is concerned, it is true that they propose to coin two one-half dollars for a dollar. There is no loss. We simply substitute two good half dollars for every dollar. It will not take the money away from there. Necessarily the Government will have this money, and so will the banks. If this money is withdrawn it removes any doubt that the Government officials may have about accepting this coin, and instead of it being taken up and buried from circulation by curiosity hunters and relic seekers it is there and going to remain there, and remain for the benefit of the people. It does not cost the Government anything, because the difference in the seigniorage in coining it for the full amount and the subsidiary coin amounts to 7 per cent, and 7 per cent will overpay the cost of recoinage by more than \$15,000. So that, so far as I can see, it will be a benefit to the people; and it is the duty of this country to see that American coin, stamped by American mints, takes the place of this one coin now circulating there. For that reason I will support the bill.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House was requested:

S. R. 148. Joint resolution to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States; and

S. R. 149. Joint resolution providing for the reproduction of portraits to accompany eulogies of deceased Senators, Representatives, and Delegates.

#### HAWAIIAN SILVER COINAGE AND SILVER CERTIFICATES.

The committee resumed its session.

Mr. HILL. I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I was very much interested in the constitutional argument made by my friend from Alabama, and I will remind him that I have also read the Constitution, and that it gave to Congress the power "to coin money, regulate the value thereof, and of foreign coin." While we have always had that as law, we have had also foreign coin as part of our money which never circulated on a parity with American coin. This money is doing legal tender duty in Hawaii. In addition to that, in a few weeks—my friend from Maine will bear me out—we will be called on to pay for burning certain property in Hawaii to destroy diseases. Let this money alone and we will take it and pay these people, instead of our 200-cent dollars.

Mr. HILL. Mr. Chairman, there seems to be but one argument against this bill and that is that the money is circulating at par, and therefore it is not wise to disturb it. I do not think that anywhere in the American Republic money should circulate with the face of any king or queen upon it.

But upon that question gentlemen are wrong in the position they take in regard to it. I will read from the official reply of the Hon. S. M. Damon to Commissioner Eustis under the date of December 22, 1902, cutting the entire letter down to the single proposition as to the money in circulation at par. He says:

The proposition appears to us to be so simple as to carry its own argument with it, and we merely mention it for the purpose of showing that the more considerable portion of the local business of this country is to-day being transacted with the currency of a defunct government which has absolutely no legal-tender value, which is intrinsically and in the marts of the world worth 66 per cent less than its local conventional value. To prevent the panic, derangement of values, and entourage of commercial difficulties and perplexities which would ensue were any other course pursued, the banks of

Honolulu have received Hawaiian silver coin at par with United States gold coin in all transactions and for all purposes.

That is, it is simply by agreement. The United States collector, the consul-general, prior to the Territory being annexed, tells me that he had the same arrangement; that he received it by an understanding with the banks that they would accept it from him. Now the question has arisen, how long are the banks going to keep that up, and the postmaster at Honolulu writes to the Post-Office Department as follows:

HONOLULU POST-OFFICE, Honolulu, Hawaii, May 20, 1902.

HON. FIRST ASSISTANT POSTMASTER-GENERAL,  
Washington, D. C.

SIR: With further reference to my letter of November 13 last, in re Hawaiian silver coin, I would again call your attention to the fact that some of the bankers here are again agitating the advisability of not receiving Hawaiian coin.

One bank here has deposited in its vaults about \$200,000 silver, about four-fifths of which is Hawaiian, which they claim can not be sent to any other part of the United States in payment of debts, leaving about only one-fifth American silver available for that purpose.

While there is no threat made that they will refuse Hawaiian silver, there is a hint given that they may do so, in which case this office would have to do the same.

About the first of each month a great proportion of this coin is shipped to the various plantations to pay off the employees, but by the middle of the month it finds its way back to Honolulu again, considerable of it through the post-office, and is soon piled up in the banks as before.

I submit the above facts in order that the Department may be aware of the conditions that exist here, and perhaps take some immediate action before it is taken up here with perhaps serious results to the community.

Respectfully,

JOS. M. OAT, Postmaster.

It is money circulating by consent, with the image and superscription of the queen upon it. The purpose is to take it up and give back dollar for dollar in American money, with the eagle upon it. That is all there is to it. It is not a political question; it makes no difference whether this money circulates at par or not; it is a question whether we shall have American money in the Hawaiian Islands.

Mr. COCHRAN. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. COCHRAN. The gentleman is reading from a letter from somebody to somebody and regards that as his authority.

Mr. HILL. Not at all. I have consulted good and eminent lawyers in this House and submitted the papers to them as to whether, in their opinion, that money was a legal tender, and they were united in the opinion that it is not. Now, I add to that the official statement of the present Hawaiian government that there is no legal-tender quality that attaches to it at the present time.

Mr. COCHRAN. Has the statute making it a legal tender ever been repealed?

Mr. HILL. Yes.

Mr. COCHRAN. By whom?

Mr. HILL. By the United States Government, referring to the organic act, which says:

That the Constitution, and except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States.

Now, section 6 provides:

That the laws of Hawaii, not inconsistent with the laws or Constitution of the United States or the provisions of this act, shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Now, I ask the gentleman, is a legal-tender act for a foreign coin made by a foreign government inconsistent or consistent with the laws of the United States?

Mr. COCHRAN. I will answer that. I believe the laws passed for the Hawaiian republic prior to annexation have the same binding force within their boundaries that the laws of an American State have. An American State has now the power to make any coin minted on the earth legal tender. It can, however, make nothing but gold and silver legal tender; and, with all deference to the distinguished lawyers on the other side, I advise that they take another look at this matter before giving a positive opinion upon it.

Mr. GAINES of Tennessee. Is it not a fact that when this question was being discussed here in the House the gentleman from Ohio who reported the bill [Mr. SOUTHWORTH] stated that this money was all circulating at par with the money of the United States?

Mr. HILL. It is to-day, by agreement with the banks.

The CHAIRMAN. The time allowed for general discussion has expired.

Mr. GAINES of Tennessee. Does the gentleman from Connecticut concede that the banks over there have more power to degrade our money than the Government of the United States has to uphold it?

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose, and Mr. CONNER having taken the chair as Speaker pro tempore, a message, in writing, from the

President of the United States was communicated to the House of Representatives, by Mr. BARNES, one of his secretaries.

#### HAWAIIAN SILVER COINAGE AND SILVER CERTIFICATES.

The committee resumed its session.

The CHAIRMAN. The time for general debate has expired. The Clerk will read the bill for amendment.

Section 2 was read, as follows:

SEC. 2. That when such coins have been received by either Government in sums not less than \$500 they shall be deposited as bullion in the mint at San Francisco, Cal., and shall be recoined as subsidiary coinage of the United States. And the superintendent of the said mint shall pay for such coins, at their face value, to the proper officer or agent of the Government depositing the same, the sum so deposited, in standard silver coins of the United States. The expenses of transmitting said coins to and from the Hawaiian Islands shall be borne equally by the United States and the Territorial government of Hawaii.

The amendment reported by the committee, to strike out section 2 and insert the following, was read:

SEC. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of not less than \$500, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

Mr. SHAFROTH. Mr. Chairman, I move to amend the amendment of the committee by striking out in the proposed substitute for section 2 the words "subsidiary silver coins" and inserting in lieu thereof the words "coins of like denomination."

Mr. Chairman, this amendment simply provides that when this money, \$500,000 of which is subsidiary coin and \$500,000 Hawaiian dollars, shall be coined it shall be coined into money of the United States of like denominations.

I recognize that there is a difference between the Hawaiian coins and the United States coins in this: The United States silver dollar is an unlimited legal tender, while the Hawaiian dollar is limited in its legal tender quality to sums of \$10. I am aware that the gentleman from Connecticut dissents from this view; but his very bill commits him to it.

Now, Mr. Chairman, the power of issuing a silver certificate upon each one of these silver dollars, whether they be Hawaiian dollars or United States dollars, exists. The Hawaiian authorities had the right to issue silver certificates upon all these dollars, and of the \$500,000 they have issued almost \$450,000 in silver certificates. Now, this amendment simply provides that when you remelt these coins and convert them into United States coins for every dollar melted there shall be a United States dollar coined, and for every subsidiary coin melted, no matter of what denomination, there shall be a United States coin of like denomination issued. This policy would give the currency over there the same character that now exists, namely, the ability to pay large debts with silver certificates and smaller debts with small change. It seems to me the character of money which the people of Hawaii have found necessary to meet the needs of their commerce should be converted into identically the same character of United States money; in other words, that for a dollar of Hawaiian money there shall be a dollar of American money coined and for subsidiary coinage coins of corresponding denominations issued.

Now, the gentlemen upon the other side may say that this is converting a limited legal tender Hawaiian dollar into an unlimited legal tender American dollar, but I submit that the convenience of those people has to be taken into consideration. Their trade and their demands and their money have to be taken into consideration, and consequently we ought not to impose upon them the exchange of subsidiary coin for all of their currency, and that is what this bill provides, namely, the conversion of every one of their dollars and their silver certificates into subsidiary silver.

Mr. GAINES of Tennessee. And there would be no loss to the holder on the dollar, either.

Mr. SHAFROTH. No; there would be no loss to them in the way of exchange, because they would get a like dollar, which would have full legal-tender power, for this Hawaiian silver dollar.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question for information?

The CHAIRMAN. Does the gentleman yield?

Mr. SHAFROTH. Certainly.

Mr. WILLIAMS of Mississippi. I understand the gentleman to say that silver certificates are now outstanding against these Hawaiian silver dollars to the extent of about \$450,000.

Mr. SHAFROTH. Yes, sir.

Mr. WILLIAMS of Mississippi. And if this bill passes with the gentleman's amendment, what would become of those?

Mr. SHAFROTH. Well, they have a provision in the bill, which I will read:

That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws in the Republic of Hawaii, until the 1st day of January, 1904, and not afterwards.

Now, that is supposed to operate in this manner, that the holder of a silver certificate, knowing that the silver dollar of Hawaii will not be legal tender after that time, will redeem his silver certificates in silver dollars and then ship them, or have the government ship them, to San Francisco for recoinage into American subsidiary coins.

[Here the hammer fell.]

Mr. GAINES of Tennessee. Mr. Chairman, I will state to my friend from Mississippi [Mr. WILLIAMS] that the section which my friend from Colorado [Mr. SHAFROTH] has just read provides that these silver coins shall remain as they are until the 1st of January, 1904; but the next section, 6, allows the silver certificates to remain as they are until 1905, and then there will be no existing coin to redeem those silver certificates, because they are redeemable in the Hawaiian coin on their face.

Mr. WILLIAMS of Mississippi. And not in the American coin?

Mr. GAINES of Tennessee. No.

Mr. HILL. The amendment to section 2 was prepared by the Department, just as the amendment to section 8 was prepared by the Department. It is sent here by the Department to the committee. It simply expedites the manner of the exchange.

I think the gentleman from Colorado [Mr. SHAFROTH] is entirely mistaken as to the effect of this amendment. There will be no exact change of item for item, dollar for dollar, dime for dime. The Treasury Department will carry on this transaction precisely as they did in Porto Rico. They will probably send a man over there with an amount of money and give these people whatever they want, whether it is dollars or dimes or quarters, according to their requirements. It may all be paid for, for aught I know, in American gold or drafts on New York. They simply go over there and buy up this coinage at its face value, taking it in and recoinage it. That is all there is to it.

Now, the effect of the amendment of the gentleman, I think, will be just simply this, that if the word "subsidiary" be stricken out, we will take half a million dollars of subsidiary coin and recoin it into full legal tender money of the United States. That would be the effect and the only effect of the amendment. The Treasury Department simply ask that they be left unhampered, so that they may go over and take up this coin and then give the people there anything they want for it—all dimes if they want it, all dollars if they want it—and then it becomes practically bullion in the United States Treasury at its face value. That is all there is to it. It would be an unfortunate amendment, I think. The committee were entirely unanimous, so far as I can recall, in regard to accepting the amendments of the Treasury Department, and I hope this will pass exactly as the Treasury Department desires to have it pass, in both of these cases, with reference to transportation and recoinage.

Mr. SHAFROTH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that he be recognized for five minutes.

There was no objection.

Mr. SHAFROTH. In answer to the gentleman, I want to say that the Committee on Territories, which had this measure up three years ago, reported a bill, and I think that bill was unanimously reported. It provided that the coins should be recoined into American coins of like denominations. We were perfectly willing to let that bill come up for consideration, but when the amendment which the gentleman from Connecticut offered, or said he would offer, came up, which provided that the silver dollars there should be recoined into subsidiary coin, then objection was made.

Mr. HILL. This was not my amendment. This is a Treasury Department amendment.

Mr. SHAFROTH. I think it was suggested by the gentleman and that he notified the Committee on Territories three years ago that he would move that, and that he would not consent to the bill going through if it had those words in it.

I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is upon agreeing to the amendment to the amendment.

The question being taken on the amendment to the amendment, on a division, demanded by Mr. SHAFROTH, there were—ayes 35, noes 41.

Mr. SHAFROTH. Mr. Chairman, I call for tellers, and I should like to have the amendment reported so that it may be understood.

The CHAIRMAN. Without objection the amendment to the amendment offered by the gentleman from Colorado will be again reported by the Clerk.

The Clerk read as follows:

In line 11 of page 2 strike out the word "subsidiary" and insert, after the word "coin," the words "of like denomination."

Tellers were ordered; and the Chairman appointed Mr. HILL and Mr. SHAFROTH.



The committee again divided; and the tellers reported—ayes 54, noes 78.

Accordingly the amendment to the amendment was disagreed to.

The committee amendment was agreed to.

The Clerk read as follows:

Add to the bill the following, to be section 8:

"Sec. 8. That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands."

The committee amendment was agreed to.

And then, on motion of Mr. HILL, the committee rose, and the Speaker having resumed the chair, Mr. JENKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 2210) relating to Hawaiian silver coinage and silver certificates, had directed him to report the same back to the House with sundry amendments and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the Chair will submit them to the House in gross.

A separate vote was not demanded.

Mr. HILL. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Connecticut moves the previous question on the bill and amendments to its passage.

The previous question was ordered, and under the operation thereof the amendments reported from the Committee of the Whole were agreed to; the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HILL. Mr. Speaker, I suppose it would be proper to move that House bill 3056, being practically the same measure, be laid on the table.

The SPEAKER. Without objection, that order will be made. There was no objection.

### THIRD ANNUAL REPORT OF THE PHILIPPINE COMMISSION.

The SPEAKER laid before the House the following message from the President; which was read, and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

I herewith send a letter from the Secretary of War, transmitting the third annual report of the Philippine Commission, covering the year ending October 1, 1902, and the laws passed by the Commission between July 1, 1902, and October 27, 1902.

I call your special attention to the recommendations contained in this letter of the Secretary of War. I most earnestly feel that the enactment of the measures already pending in your body for the betterment of the Philippine Islands is imperatively demanded by the situation in those islands, and serious calamity may come from failure to pass them. Furthermore, I with equal earnestness ask your attention to the recommendation of the Secretary of War in the accompanying letter, and urge its adoption, so that the sum of money therein specified may be appropriated for the uses and in the manner likewise specified, in order that the present distress in the islands may be remedied.

THEODORE ROOSEVELT.

WHITE HOUSE, January 7, 1903.

### PUBLIC SCHOOLS AT JUNEAU, ALASKA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 4616.

The bill was read, as follows:

A bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes.

Be it enacted, etc., That certain real property now situated in the town of Juneau and district of Alaska, upon which the public-school building of the town of Juneau is now situated, and belonging to the United States of America, known as Government reservation No. 2, being all of block 23, except lots Nos. 5 and 6, in the town of Juneau, as the same appears of record on the official plat of the town-site trustee, be, and the same is hereby, granted to the incorporated town of Juneau for school purposes.

The amendment recommended by the committee was read, as follows:

Add at end of the bill the following words: "and the Secretary of the Interior is hereby directed to cause a patent to be issued therefor to such municipality upon proof of its incorporation."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would be glad if the gentleman would tell us something about the value of this property and give a full explanation of the matter.

Mr. LACEY. Mr. Speaker, the situation of the property is simply this: Before the incorporation of the town of Juneau this reservation was used for school purposes. They have built valuable school buildings on the property; and now, since the town has been incorporated, they desire to get title to the land on which their school buildings are situated. At the time that the buildings were erected and the land originally located for that purpose there was no corporation that could legally accept title to that property. The value of the property depends upon the build-

ings that are upon it, and these buildings have already been erected at the expense of the citizens of Juneau.

Mr. RICHARDSON of Tennessee. This is the lot that is to be given. What is the size of the lot?

Mr. LACEY. The size is about a block. About an ordinary city block. The title is in the United States. The buildings have been erected on the site, and they are being used for school purposes.

Mr. RICHARDSON of Tennessee. This bill simply donates to the municipality, as I understand, the ground upon which the buildings are erected, or the lot of ground, for school purposes alone. Is that it?

Mr. LACEY. That is the purpose, and it is recommended by the Department. The Department has no desire to have the Government continue in the ownership of the ground upon which the town school buildings are located.

Mr. RICHARDSON of Tennessee. And it has been reported by the committee?

Mr. LACEY. It is unanimously reported by the committee. It is a Senate bill.

Mr. GAINES of Tennessee. Is this a free school?

Mr. LACEY. Oh, yes; it is a public school.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment of the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

### UNIFORM SYSTEM OF BIRTH AND DEATH REGISTRATION.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

House joint resolution 184, requesting State authorities to cooperate with Census Office in securing a uniform system of death registration.

Whereas the registration of deaths at the time of their occurrence furnishes official record information of much value to individuals; and

Whereas the registration of deaths, with information upon certain points, is essential to the progress of medical and sanitary science in preventing and restricting disease and in devising and applying remedial agencies; and

Whereas all of the principal countries of the civilized world recognize the necessity for such registration and enforce the same by general laws; and

Whereas registration in the United States is now confined to a few States, as a whole, and the larger cities, under local laws and ordinances which differ widely in their requirements; and

Whereas it is most important that registration should be conducted under laws that will insure a practical uniformity in the character and amount of information available from the records; and

Whereas the American Public Health Association and the United States Census Office are now cooperating in an effort to extend the benefits of registration and to promote its efficiency by indicating the essential requirements of legislative enactments designed to secure the proper registration of all deaths and the collection of accurate mortality statistics, to be presented to the attention of the legislative authorities in nonregistration States, with the suggestion that such legislation be adopted: Now, therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Senate and House of Representatives of the United States hereby express approval of this movement and requests the favorable consideration and action of the State authorities, to the end that the United States may attain a complete and uniform system of registration.

The amendments to the preamble were read, as follows:

In the second paragraph, first line, after the word "of," insert the words "births and."

In the sixth paragraph, fifth line, after the word "deaths," insert the words "and births;" also, same paragraph, line six, after the word "accurate," strike out the word "mortality" and insert in lieu thereof the word "vital."

The SPEAKER. Is there objection to the present consideration? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question now is on the amendments to the preamble.

The amendments to the preamble were agreed to.

The preamble as amended was agreed to.

The joint resolution was then agreed to.

The title was amended so as to read: "Joint resolution requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration."

On motion of Mr. BURLESON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

### SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 148. Joint resolution to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons

and other acts of executive clemency under the United States and the several States—to the Committee on Printing; and S. R. 149. Joint resolution providing for the reproduction of portraits to accompany eulogies of deceased Senators, Representatives, and Delegates—to the Committee on Printing.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11093. An act granting an increase of pension to Nannie M. Kimberly;

H. R. 13468. An act granting an increase of pension to Joseph S. Mess;

H. R. 15605. An act to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; and

H. R. 15606. An act to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana.

#### SITE FOR DEPOT FOR REVENUE-CUTTER SERVICE.

Mr. MUDD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4096) to provide for a site for a depot for the Revenue-Cutter Service.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized to acquire a suitable site upon which to establish a depot for the Revenue-Cutter Service, and for this purpose the sum of \$30,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Maryland if this is the same bill that the gentleman from Illinois objected to the other day.

Mr. MUDD. I do not know that there was any particular objection made to it.

Mr. PAYNE. I do not see the gentleman from Illinois here now and I think I will object to it.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LESTER indefinitely, on account of sickness.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House (at 2 o'clock and 13 minutes) adjourned until tomorrow at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting reports of accounting officers of the Department showing what officers are delinquent in rendering their accounts and payment of balances—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an additional estimate of appropriation for the naval training station, Rhode Island—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for an additional building for the Bureau of Engraving and Printing—to the Committee on Appropriations, and ordered to be printed.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 16351) granting an increase of pension to Austin P. Merrell, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JETT: A bill (H. R. 16454) to extend the jurisdiction of the United States courts, and for other purposes—to the Committee on Indian Affairs.

By Mr. RUSSELL: A bill (H. R. 16455) to provide for the enlargement and improvement of the public building at Tyler, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16456) to provide for a public building at Terrell, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. OTJEN: A bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: A bill (H. R. 16458) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

By Mr. COWHERD: A bill (H. R. 16459) to amend section 7 of an act to increase the limit of cost of certain public buildings, approved June 6, 1902—to the Committee on Public Buildings and Grounds.

By Mr. CUSHMAN: A bill (H. R. 16460) to appropriate \$150,000 for the promotion of salmon culture in Alaska—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Texas: A bill (H. R. 16461) providing for appeal of one case from the citizenship court of the Indian Territory to the Supreme Court of the United States—to the Committee on Indian Affairs.

By Mr. TIRRELL: A bill (H. R. 16462) to increase the limit of cost for the purchase of site and the erection of a public building at Fitchburg, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. BRICK: A bill (H. R. 16463) to create a commission to investigate the expediency and practicability of establishing public rifle ranges throughout the United States—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 16464) for the erection of a shaft to be placed in the national cemetery at Balls Bluff, Virginia—to the Committee on the Library.

By Mr. HITT: A bill (H. R. 16501) for the erection of a post-office building at Dixon, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. MINOR: A joint resolution (H. J. Res. 244) authorizing and directing the Secretary of War to cause a survey and examination to be made of the harbor at Oconto, Wis., with a view to securing a depth of 16 feet of water, and the necessity for providing an interior basin at the mouth of the river—to the Committee on Rivers and Harbors.

By Mr. MORRELL: A joint resolution (H. J. Res. 245) providing for a commission to revise the existing financial laws of the United States and to report a substitute therefor—to the Committee on Ways and Means.

By Mr. SOUTHARD: A concurrent resolution (H. C. Res. 67) providing for the printing of 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals and 8,000 copies of the report covering operations of the mints and assay offices—to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRICK: A bill (H. R. 16465) granting an increase of pension to William H. Knepple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16466) granting an increase of pension to General W. Kilgore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16467) granting an increase of pension to Eli O. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16468) granting an increase of pension to Charles W. Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16469) granting an increase of pension to Alex McLaughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16470) granting an increase of pension to James A. Giles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16471) granting an increase of pension to William Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16472) granting an increase of pension to Jeremiah S. Wyland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16473) granting an increase of pension to George W. Carey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16474) granting an increase of pension to James M. Heminger—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 16475) for the relief of W. H. Chambers—to the Committee on War Claims.

By Mr. COWHERD: A bill (H. R. 16476) granting a pension to Katharine Rayle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16477) for the relief of F. X. Mulhaupt and Caroline Mulhaupt—to the Committee on War Claims.

Also, a bill (H. R. 16478) for the relief of George W. Wilson—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16479) granting an increase



of pension to Florence Mahoney—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 16480) granting a pension to Anna C. Bingham—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 16481) granting an increase of pension to Austin Kerrigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16482) granting an increase of pension to Charles H. Gott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16483) granting an increase of pension to Davis Hamblin—to the Committee on Pensions.

By Mr. HAY: A bill (H. R. 16484) for the relief of the estate of Jacob Cook—to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 16485) for the relief of the estate of C. E. Rosser—to the Committee on War Claims.

Also, a bill (H. R. 16486) for the relief of the estate of B. L. Armstrong—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 16487) granting a pension to Peter B. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16488) granting an increase of pension to William Barrett—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 16489) granting an increase of pension to Thomas H. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16490) granting an increase of pension to L. O. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16491) to pay the estate of J. J. Walker for stores and supplies—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 16492) granting a pension to Wilson G. Gray—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 16493) granting an increase of pension to William W. Rich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16494) granting a pension to Elizabeth Droege, widow of Louis Droege—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16495) for the relief of the estate of Elijah Williams, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16496) for the relief of the estate of David Hurst—to the Committee on War Claims.

Also, a bill (H. R. 16497) for the relief of the estate of Thomas Morton, deceased—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 16498) to remove the charge of desertion from the military record of Rev. Dr. Abraham J. Warner and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. WADSWORTH: A bill (H. R. 16499) granting an increase of pension to Charles S. Wainwright—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 16500) to remove the charge of desertion from the naval record of John Hogan—to the Committee on Naval Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the National Drug Company of Philadelphia, Pa., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of the Board of Trade of Philadelphia, Pa., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petitions of retail druggists of Elkhart and South Bend, Ind., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Central Woman's Christian Temperance Union of South Bend, Ind., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. COOPER of Wisconsin: Petition of retail druggists of Racine and Lake Geneva Wis. urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CORLISS: Petition of A. R. Begrow and other druggists of Detroit, Mich., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. COWHERD: Petition of Catharine Rayel, mother of John E. Rayel, of Company I, Third Missouri Infantry Volunteers, in the war with Spain, for a pension—to the Committee on Pensions.

Also, papers to accompany House bill granting an increase of pension to George W. Wilson—to the Committee on Invalid Pensions.

By Mr. CROMER: Petition of Stewart & Haugh and other citi-

zens of Madison, Ind., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. DOVENER: Affidavits of Marion Smith and J. R. Parsons to accompany House bill 15166, for a pension to Enoch J. Evans—to the Committee on Invalid Pensions.

By Mr. ESCH: Petitions of Gross & Schaller and other druggists of Sparta, Durand, and Loyal, Miss., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the National Association of Retail Grocers, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National German-American Alliance, favoring a commission to examine all questions affecting immigration before final action is taken on the pending bill—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolutions of the National German-American Alliance, in favor of a commission to examine thoroughly all questions affecting immigration before final action is taken on the pending bill—to the Committee on Immigration and Naturalization.

By Mr. FOSS: Papers to accompany House bill 16427, granting an increase of pension to Juliaetta Rowling—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petitions of Wells & Richardson Company, Burlington, Vt., in favor of House bill 15368—to the Committee on Ways and Means.

Also, petitions of John Z. B. Hopkins, Junius Barnes, and others, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of John Wilson and others, of Burlington, Vt., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. GOLDFOGLE: Resolutions of the American Free Trade League, to place beef and coal on the free list—to the Committee on Ways and Means.

By Mr. GRAHAM: Circular of Charles Stoughton, relating to the construction of the Harlem River and Kills Canal—to the Committee on Rivers and Harbors.

Also, resolution of the Philadelphia Maritime Exchange, protesting against House joint resolution 234—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Bremerton (Wash.) Board of Trade, in relation to the use of the U. S. S. *Philadelphia* as a receiving ship—to the Committee on Naval Affairs.

By Mr. HASKINS: Petition of J. H. McArthur, of East Barre, Vt., favoring House bill 178—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Johnson & Johnson and other retail druggists of New Brunswick, Woodbridge, and Asbury Park, N. J., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. JONES of Washington: Resolutions of the Chamber of Commerce of Spokane, Wash., favoring the proposed opening of the south half of the Colville Indian Reservation to homestead entry—to the Committee on Indian Affairs.

By Mr. LAWRENCE: Petitions of George A. Hastings and others, of North Adams and Williamstown, Herbert L. White and others, of Greenfield, Edwin Baker and others, of Shelburne Falls, and Dewey & Parsons, of Westfield, Mass., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MOON: Petition of Mrs. Jennie Williams, formerly Miss Jennie Cowart, of Hamilton County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORRELL: Resolutions of the American Free Trade League, asking that beef and coal be placed on the free list—to the Committee on Ways and Means.

Also, resolutions of the National German-American Alliance, favoring the appointment of an immigration commission—to the Committee on Immigration and Naturalization.

By Mr. NAPHEN: Petition of the Pilgrim Congregational Church of Boston, Mass., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PADGETT: Papers to accompany House bill granting a pension to Capt. L. O. Marshall—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of F. L. Feick, R. W. Springer, and E. Kimble, of Brotherhood of Railroad Trainmen, Garrett, Ind., urging the passage of Senate bill 3560—to the Committee on Interstate and Foreign Commerce.

By Mr. RUMPLE: Petition of the Young People's Society of Christian Endeavor of Chilton, Iowa, to prohibit liquor selling at immigrant stations, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. SCARBOROUGH (by request): Petition of E. T. Barentine and others, of Society Hill, S. C., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHATTUC: Papers to accompany House bill granting an increase of pension to William W. Rich—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Elizabeth Deorge—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Petitions of McMickle & Herrington, of Texarkana; R. E. Dickinson and others, of Cooper, and R. J. Murphy, of Paris, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SNOOK: Petition of retail druggists of Sherwood, Stryker, and Ohio City, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THAYER: Petition of H. E. Larned, Oxford, Mass., favoring House bill 178—to the Committee on Ways and Means.

By Mr. WILSON: Resolutions of the Manufacturers' Association of Brooklyn, N. Y., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. YOUNG: Petition of the National Drug Company, of Philadelphia, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, circular of Charles Stoughton, relating to the Harlem River and Kills Canal—to the Committee on Rivers and Harbors.

## SENATE.

THURSDAY, January 8, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of William Henry, administrator of William E. Sizer, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Robert Gordon, administrator of Jamison W. Rice, deceased, *v. The United States*; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 2210) relating to Hawaiian silver coinage and silver certificates; and

A bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration; in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 11093) granting an increase of pension to Nannie M. Kimberly;

A bill (H. R. 13468) granting an increase of pension to Joseph S. Mess;

A bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; and

A bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Enterprise Council, No. 16, Junior Order of United American Mechan-

ics, of Milton, Del., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. LODGE. I present a memorial signed by forty-eight owners of fishing vessels going out of the port of Boston, representing the entire wholesale fresh-fish trade of that city, remonstrating against the ratification by the Senate of the Hay-Bond treaty. Accompanying the memorial are sundry letters and papers on the same subject. I move that the memorial and accompanying papers be printed as a document, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation granting pensions to families of surfmen of the Life-Saving Service who perish in the line of duty; which was referred to the Committee on Commerce.

Mr. PLATT of New York presented petitions of Local Union No. 504, of Flushing; of Local Union No. 61, of Troy; of Carpenters' Local Union No. 835, of Seneca Falls; of Local Union No. 78, of Troy; of the Lake Seamen's Union of Tonawanda; of Local Union No. 15, of Syracuse; of Painters, Decorators, and Paperhangers' Local Union No. 12, of Troy; of the Central Federation of Labor, of Troy; of Local Union No. 14, of Troy, and of Coal Employees' Local Union No. 6580, of Troy, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City and Brooklyn, in the State of New York, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. CULLOM presented the petition of G. W. Myers and 25 other citizens of Edgar County, Ill., praying for the enactment of legislation providing for the adjudication of swamp-land grants; which was referred to the Committee on Public Lands.

He also presented the petition of W. H. Rich and 69 other citizens of Peoria, Ill., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals, of New York, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Chicago, Ill., praying for the enactment of legislation to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association, of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Association of Friends of Western Springs, Ill., remonstrating against the enactment of legislation to promote the efficiency of the militia; which was ordered to lie on the table.

He also presented petitions of the Trades and Labor Council of Danville; of the Trades and Labor Assembly of O'Fallon; of the Upholsterers' International Union of Chicago; of the Brotherhood of Carpenters and Joiners of Fairbury; of Local Union No. 29, of Chicago; of Federal Labor Union No. 8281, of Lincoln; of Federal Labor Union No. 8769, of Mascoutah; of Cigar Makers' Local Union No. 154, of Lincoln; of the Pattern Makers' Association of Chicago; of the American Federation of Labor of Charleston; of Federal Labor Union No. 9849, of Mt. Vernon, and of Local Union No. 106, of Dunfermline, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KEAN presented the memorials of Robert H. McCurdy, of Morristown, N. J.; of G. E. Sherman, of Morristown, N. J., and of W. S. Lord, of New York City, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Union No. 79, of Trenton; of Hod Carriers' Local Union No. 10502, of Englewood; of the United Powder and High Explosive Workers of Landing, and of Local Union No. 5, of New Brunswick, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Fred. P. Meeks, of Englewood; of L. P. Towne and 23 other citizens of Jersey City; of 18 citizens of Succasunna, and of the Prohibition League of Jersey City, all in